



Attleborough Town Council

Judicial Review Report

May 2021

This public report has been approved for release by the Council.

Foreword

This public report has been produced from confidential documents that were previously released to councillors. Some very minor grammatical corrections and amendments have been made for clarification and legal purposes, including redaction, but they in no way change the substance of this report.

I should note that any opinions offered by myself are honest attempts to summarise the information investigated.

CLLr Philip Leslie
Chairman of the Investigation Committee

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1 Background

1.1 Introduction

This Judicial Review report has been produced by Cllr Philip Leslie, after he was asked to do so by the ATC Investigation Committee.

The scope of this report is to detail the events and circumstances in respect of the Judicial Review against the Town Council issued by Rogers & Norton on behalf of Cllr Taila Taylor and related matters. It therefore includes (but is not limited to):

- the events leading up to the action taken against Cllrs Edward Tyrer and Taila Taylor by the town council;
- the actions taken by the town council against said councillors;
- issues arising out of the actions taken by the town council including any misconduct or unlawful decisions; and
- recommendations arising as a result of these items.

Whilst staff grievances and councillor complaints do form part of this report, it is not the purpose of this report to explore or determine whether these had any basis or merit in themselves.

Interviews have been held to assist in producing this document. However, Cllr Tony Crouch (who held the chairmanship through much of the relevant period) has chosen not to respond to invitations to take part in an interview or to answer any written questions sent to him by post. In addition, it should also be noted that two interviews were held with [REDACTED] the former [REDACTED] the information provided was not pertinent to the report. [REDACTED] was accompanied by a representative from Unite the Union in both interviews and the second interview was terminated prematurely when it became clear that the different parties wanted to discuss different topics. No part of these interviews has been used in the writing of this report. [REDACTED] has chosen not to respond to written questions which were sent to her following the aborted interviews.

A suitably redacted version of this report will be made available to the public in order to provide as much transparency as possible while complying with any legal requirements including GDPR.

THIS DOCUMENT IS CONFIDENTIAL AND MUST NOT BE SHARED WITHOUT THE AGREEMENT OF THE TOWN COUNCIL

1.2 A Brief Summary of Background Conditions

Some councillors viewed the actions of Cllrs Edward Tyrer and Taila Taylor in meetings and email correspondence as bullying and harassment towards staff members; others considered the same actions as a show of frustration and/or robust questioning. Clearly these are subjective viewpoints, and no attempt is made by this report to decide which views, if any, are correct.

However, there are a few key points which should be highlighted:

- There is significant evidence of systemic failure of the town council's processes for the appropriate resolution of complaints and the answering of legitimate questions from councillors and/or members of the public;
- There was evidence of frequent use of dismissive and derogative language against councillors and/or members of the public in private emails sent on council servers;
- There was evidence of significant and sustained attempts to undermine the position of Cllr Edward Tyrer as deputy mayor/chair and his work as chair of the Attleborough Neighbourhood Plan;
- There was evidence that Cllr Taila Taylor was treated unprofessionally and inappropriately in internal emails by some other councillors and/or members of staff;
- There is evidence that the issues above appear to have led to a complete breakdown in relations between certain councillors and staff members – it appears that no significant attempts were made by the senior councillors or the [REDACTED] to resolve the underlying issues before they escalated.
- There is evidence of concerns felt by members of staff and some councillors over the behaviour of other councillors and members of the public.

Further comment is outside the scope of this report and what is included is done so only to evidence the animosity that existed between different groups of councillors and members of staff which was on display during the HR consultation.

2 Lovewell Blake HR Consultation

2.1 Introduction

On the 13th August 2019, ██████████ sent the following email to ██████████:

Hi ██████████

Hope all is well your end, we are still experiencing some member issues here and I remember you had a HR Review some time back. I am sure you have told me before but could you please give me the contact for who you used and a rough idea of costs as I have a Personnel meeting later this week and feel it may be an option I suggest to the them.

Many thanks

██████████

██████████ recommended Lovewell Blake (the company they use) and ██████████ encouraged a HR consultation with this firm to Cllrs Keith Montague and Tony Crouch, as well as other members of the Personnel Committee.

2.2 Lovewell Blake Proposal

Following a number of emails and a meeting with ██████████ Cllr Tony Crouch and Cllr Keith Montague, ██████████ of Lovewell Blake submitted the following proposal to the town council on the 24th October 2019:

Full Report and Recommendations proposal for Attleborough Town Council

October 2019 ██████████ – HR Consultant for Lovewell Blake

The Report

A report into the current workplace culture and approach to people management at Attleborough Town Council and the issues that affect employee engagement and wellbeing.

The report will identify:

The current climate of the workplace and the main issues employees are facing with regards to how they are managed, workload and any other specific HR related matters

Matters that are putting the council at risk with regards to sickness absence, grievances and potential tribunal claims along with associated costs where it is possible to calculate these

Specific concerns that members of the council have regarding people management and the workplace culture

Specific examples of issues will be detailed but anonymity will be maintained. The report will be compiled by speaking to officers and members alongside results from an engagement and wellbeing survey.

Recommendations

From the report, recommendations will be made regarding:

How to minimise any identified risks

Training requirements for members with regards to managing people and training requirements for officers with regards to personal and professional skills to manage themselves in the workplace

Processes or policies which can be put in place to facilitate a positive workplace culture

Any initiatives which should be introduced to assist employees such as Occupational Health referrals or an Employee Assistance Programme

Engagement and wellbeing survey

Employees will be asked to complete an anonymous engagement and wellbeing survey as part of the project. The purpose of this is to determine current engagement levels and how employees rate their wellbeing at work. Employees will be asked questions which will help gain their view on how issues they face can be resolved as well as identifying key factors which affect their wellbeing, therefore allowing the council to address these matters in the best possible way so employees can feel engaged and happy at work.

The survey can be issued again in six to twelve months' to allow the council to determine whether employees' engagement and wellbeing is increasing as a result of recommendations following the report and to help determine future initiatives and intervention.

FIRST PHASE COSTS – REPORT AND RECOMMENDATIONS

Discussions with officers and members of the council

11 x officers and 15 x members

Planning inc. questions and organising meeting times - £110

30 minutes for each person plus time to type up notes, travel time and expenses- £2800

Staff engagement and wellbeing survey

Compiling survey, review and analysis of results - £275

Report and Recommendations

Writing the report and providing suitable recommendations - £550 **Presenting the report at council meeting (assume evening meeting)** Presentation (inc preparation), travel time and expenses - £500 **TOTAL**

COST £4235

SECOND PHASE COSTS – OCCUPATIONAL HEALTH / EMPLOYEE ASSISTANCE PROGRAMMES

Estimated cost of Occupational Health Assistance

OH assessments for each member of staff £225 per person - £2475

Follow on support after initial assessment – dependent on requirements but assume circa £500 per employee - £5500

Total cost £7975

Estimated cost of Employee Assistance Programme (EAP)*

Ongoing service for employees to access any time. The core feature tends to be counselling employees about issues related to work. Many EAPs will also help employees who have suffered traumatic events. Other additional services can include:

Money advice and debt management

Child and eldercare information services

Legal information and guidance

Information on emotional, work-life and workplace issues

Management referrals and support

Definitive cost is hard to determine but can be expected to be up to **£1000 per year** for all employees to have 24/7 access to a telephone service.

*This option may be more suitable than occupational health referrals as it is employee driven and available at any time as well as being in place for a yearlong period.

SECOND PHASE COSTS - TRAINING

Training for members on key areas identified from the report (assume evening meeting)

Preparation and planning of training - £400 Delivery of training inc travel and expenses - £550 Refresher training inc travel and expenses - £550

Please note if there are various training requirements identified then more than one training session may be needed and the above costs may need to be duplicated for each subject.

Total cost per training subject £1300

Training for employees on key areas identified from the report

The report will signpost you to trusted training providers on topics such as assertiveness, resilience, managing workplace stress etc.

A full day's training for all employees at your premises is likely to be in the region of £1000 per day. Courses for individual employees to attend offsite will be in the region of £250-300 per employee.

A reasonable assumption for the total cost would be that two, full day, in house courses may need to take place as well as six people needing ad hoc training sessions (based on £300 per person)

Total cost £3800

2.3 Response to Proposal

In response to Lovewell Blake's proposal, Cllr Keith Montague sent the following email to [REDACTED] and Cllr Tony Crouch on the 24th October 2019:

Hi [REDACTED] and Tony

Many thanks for email and full report.

At the moment I think that we should concentrate on the first phase report and recommendations. A lot of the subsequent phase is training which in my view we don't need at the moment. The Employee Assistance Programme maybe helpful in the future, but again I am not sure that many of the items are really very relevant.

Going back to phase 1 - I note in [REDACTED] letter that she says "*I will be unable to assist with conflict issues between councillors*" - that is fine but what about conflict between councillors and members of staff? This is not mentioned in any detail, but is, in my view, the main and a very important issue.

There are several references to people management and workplace culture. I accept that this is all relevant, but is certainly not the main issue. The staff all work together as a close-knit team and I am not looking for an investigation to nit-pick on any little things that might give rise to saving a few pounds or to "pad out" the report. What I am really saying is I am happy with the workplace culture. What I am not happy with is the relationship between staff and a minority of disrespectful and obnoxious councillors, who are making life very unpleasant for us all - this is the area that needs highlighting in her report - but perhaps I am preempting things!

If you wish to discuss further, I am sure that I can either have an email exchange (only from home) or arrange a telephone conversation - I do have access to telephones at the Mid Nfk Rly!!

Kind regards, Keith

[REDACTED] replied to this email on the 28th October 2019:

Hi Keith

Thanks for your email and I understand your concerns, I think we probably all share these. [REDACTED] did give us the option to tweak the proposal prior to the meeting, perhaps you want to go back to her direct or I can send over your comments if you wish.

I think this is also why the exercise needs to have input from an Occupational Health person as they will come from a different angle, eg well-being.

I am sure there will be the option to discuss with [REDACTED] further so we can get the slant we need but regrettably there is only so much within the remit of HR. At Personnel we only need them to agree the costs and the principle of the Report/Review, I will collect the papers back in at the end to avoid circulation.

Happy to talk further, I am in the office all day today and tomorrow.

Kind regards

[REDACTED]
In response to the request to focus the consultancy on the relationship between staff and councillors, [REDACTED] of Lovewell Blake sent the following email on the 29th October 2019:

Hi [REDACTED]

Thank you for your email.

Where the conflict is identified between councillors and members of staff I will make recommendations as to how to this can be rectified, this is likely to be in the form of those suggestions in the proposal but there may be other recommendations which can be made depending on what the report produces. Other options may be mediation

between councillors and members of staff or complete procedural changes i.e. ad hoc queries, emails etc needing to stop.

Where I have referred to people management in the proposal, I am referring to the employment of the staff by the council and how they are managed by the council i.e. how instructions are given, how people are treated by councillors etc. Where I refer to workplace culture, this again, is based on the culture influenced by councillors and their leadership i.e. is it a happy, motivated workplace or is it one where people are stressed and unhappy. The main focus of the report will be the relationship between the councillors and employees, anything else that arises outside of this will be as a result of what staff disclose, I will not ask them directly about how they feel they work as a team or delve in to any matters that are outside of the scope of what I've been briefed to do albeit, some things may be detailed as they may add to the context.

It will be important to manage employees' expectations and this is where I have taken a more holistic approach to it with regards to the workplace culture and engagement/wellbeing. If discussions with employees focused solely on the toxic behaviour of councillors and no changes were able to be put in place because councillor behaviour does not change, you may find that this would have a worse effect than not doing the report at all. Incorporating the engagement/wellbeing aspect in to it means you may be able to make small changes which will help employees deal with the behaviour, especially if you cannot change the behaviour of councillors.

I hope this provides a bit of clarity, please do let me know if you have any other questions or would like any further information.

Many thanks

██████

2.4 Lovewell Blake Appointment

On the 30th October 2019, the Personnel Committee resolved to appoint Lovewell Blake (see extract from minutes below):

c) HR Consultancy quotes – Quotes for HR consultancy services were considered and Cllr Montague and Cllr Crouch confirmed they had spoken in depth to Lovewell Blake as they performed a similar review successfully at Thetford Town Council. *It was generally agreed a review was needed urgently to address the issues within the Council. All Councillors and all staff would be interviewed within this process which ensured inclusiveness and fairness for all parties.*

On the motion of Cllr Crouch, seconded by Cllr Montague, it was

RESOLVED by unanimous vote to approve the first phase costs for a report and recommendations to a total of £4,235.

On the motion of Cllr Crouch, seconded by Cllr Bulmer, it was

RESOLVED by unanimous vote to approve the estimated cost of Occupational Health Assistance for initial assessments of staff to a total of £2,475

Once arrangements were finalised, Cllr Keith Montague then sent the following notice to councillors on the 7th December 2019:

HUMAN RESOURCES REPORT AND RECOMMENDATIONS

The Personnel Committee resolved at their last meeting to appoint a company to carry out a HR Review. Lovewell Blake have been commissioned to undertake a full HR study similar to that successfully carried out for Thetford Town Council some time ago. The Review will involve all staff and all councillors being interviewed by the Consultant, ██████████ and team.

██████ is an experienced HR Consultant from Lovewell Blake with eight years' experience of managing employee relations and compliance with employment law. ████████ will be coming in to speak to each of you regarding HR related matters such as how you perceive the wellbeing and engagement levels of the employees, the Council's approach to people management and any particular HR related matters you may be concerned about/would like to improve/any initiatives you would like to introduce. The purpose of this is for the Council to create a rounded HR strategy to ensure employees are as happy and engaged as possible and it will also highlight any particular areas that the Council need to address with regards to HR practices and compliance with legislation. All conversations will be kept confidential but key points and common themes will be fed back to the Council via a report.

The report will identify a number of things including:

The current climate of the workplace and the main issues employees are facing with regards to how they are managed, workload and any other specific HR related matters

The relationship between councillors and employees and specific concerns that members of the Council have regarding people management and the workplace culture

Matters that are putting the Council at risk with regards to grievances and potential tribunal claims

All employees and councillors will be asked to contribute to the overall survey and will be encouraged to be totally frank and honest in their responses. Specific examples of issues will be detailed in the final report, but anonymity will be maintained

The work will start on 19 November 2019. Interviews will start with talking to employees and continue with councillors on 21 November 2019.

It is hoped that most interviews will be face to face, but alternative arrangements can be made if required.

There will be some limited availability for early evening on 19 November 2019 and priority will be given to Councillors who are in full time work. You will be notified of your appointment in the next few days.

When the full report and recommendations is published it will be shared with all staff and councillors

This is a comprehensive exercise which I sincerely hope will give closure to the present hostile and unpleasant situation that sometimes exists within the Council.

Thank you for your co-operation in this matter.

Regards Keith Montague – Committee Chairman On behalf of the Personnel Committee

2.5 Lovewell Blake Disengagement

Following a meeting with Cllrs Tony Crouch and Keith Montague on Friday 13th December 2019, Lovewell Blake formally disengaged the HR consultation with the town council on Wednesday 18th December 2019 (see email below, which lists the reasons why):

Hi Tony/Keith

Further to our meeting on Friday 13 December 2019 in which I explained that we would unfortunately be disengaging with the council in respect of the HR consultancy service we had been providing, I am writing to confirm that I have discussed this with our HR Partner and am able to provide our reasons for this (as we discussed), which are as follows:

Our reputation is really important to us and we do not take these decisions lightly;

We have received various emails/social media communications from an Attleborough resident who has outstanding complaints against the council, and it appears has been informed about our involvement with the council from an HR perspective. Therefore it appears that confidential information may have been disclosed to members of the public;

There appeared to have been a lack of buy-in in to the project from the outset;

Continuing with the HR review could potentially place the council at a greater risk from tribunal claims and any report produced as part of the process could have been used as evidence in any such claim, we therefore feel that it was not in the councils best interest to continue with this work; and

You are already aware of the key issues as are many other councillors, the report will not tell you any different and enough councillors appear to understand the risks at the moment so we would suggest that you seek support from District or County to find out your options.

The letter confirming our disengagement will be sent in the post to [REDACTED] as well.

I have attached a copy of the wellbeing survey, which [REDACTED] has drafted for you to circulate with employees of the council.

[REDACTED] has also asked me to provide contact details for our occupational health provider and these are as follows: Wrightway Health Limited, email address is info@wrightwayhealth.co.uk

As discussed, [REDACTED] also has some key points which were obtained from the meetings with employees/councillors that we would like to pass on to you to action accordingly, they are as follows:

[REDACTED] would benefit from an occupational health assessment to determine suitable adjustments to his duties;

Some office staff suggested they would benefit from having clear, defined roles as it can be difficult to understand who is supposed to be doing what;

The staff in general really appreciated the opportunity to speak to someone so regular contact with them from someone from the council could be beneficial;

A common theme from employees is that they wanted more interaction with councillors so they knew who the councillors are, they felt this would help with communication;

Common feedback from a lot of councillors was that they do not receive the minutes, agendas and any other relevant documents in enough time for meetings; and

General feedback from everyone (councillors and employees) is that they want to move on and do good for the town and get things done but this is not happening.

Kind regards [REDACTED]

[REDACTED]
HR Manager for Lovewell Blake LLP

2.6 Letter to Councillors Explaining Disengagement

On Thursday 19th December 2019 Cllr Keith Montague forwarded the email referred to in 2.5 to [REDACTED] together with a draft statement for councillors seeking input from [REDACTED] Cllr Tony Crouch and Cllr Beverley Bulmer before being emailed to councillors (see draft statement below):

H R CONSULTANCY D R A F T 18 December 2019

Lovewell Blake have now advised the Council that they are unfortunately disengaging with the Council in respect of the HR Consultancy Service.

The company quote the following major points that have given rise to this decision:

“Our reputation is really important to us and we do not take these decisions lightly”

“We have received various emails/social media communications from an Attleborough resident who has outstanding complaints against the council, and it appears has been informed about our involvement with the council from an HR perspective. Therefore it appears that confidential information may have been disclosed to members of the public”

This refers to the [REDACTED] complaints and the fact that Cllr Taylor has been involved in passing on council information.

“Continuing with the HR review could potentially place the council at a greater risk from tribunal claims and any report produced as part of the process could have been used as evidence in any such claim, we therefore feel that it was not in the councils best interest to continue with this work;” and

“You are already aware of the key issues as are many other councillors, the report will not tell you any different and enough councillors appear to understand the risks at the moment so we would suggest that you seek support from District or County to find out your options”

The above refers to the unacceptable behaviour of two Councillors - Cllr Taylor and Cllr Tyrer both of whom could be sited for harassment, bullying and intimidation - audit trails of emails and meeting recordings prove the point.

The situation that we find ourselves in as a Council is most unpleasant and is totally unproductive - it needs an urgent resolution.

The majority of us freely give our time for the good of the town and the people of Attleborough - we all need to bear this in mind and work together.

The staff have now sought Union involvement and there is a strong case against the Council. This is a recent development and at the moment we are uncertain as to their future action or involvement.

Tony Crouch and Keith Montague

At [REDACTED] request, this draft was forwarded to Nicolas Hancox Solicitors on the 2nd January 2020 seeking advice. The following was their response on the 7th January 2020:

Before I provide the promised advice, I must declare an interest. Lovewell Blake has been my law firm's accountant for many years. But I have never provided them with any legal advice, so they are not clients of my law firm.

It seems from the two letters you have sent to me that Lovewell Blake has ceased providing HR services to the Town Council. They invite you to counter-sign their letter of 18 December, but my advice is that the Town Council does not need to counter-sign that letter at all. That letter is entirely for their own protection and does not help the Town Council. Instead of counter-signing their letter, my advice is for you to write a letter of your own, saying only this:

"I acknowledge receipt of your letter of 18 December 2019, terminating the agreement for the provision of HR consultancy services by Lovewell Blake to Attleborough Town Council. Nevertheless, The Town Council reserves the right to claim compensation from Lovewell Blake for any act or omission on your part (arising either from that HR consultancy agreement or from elsewhere) if and in so far as that act or omission results in any loss whatsoever to the Town Council.

Turning now to the draft document produced by Councillors Crouch and Montague, I would proffer the following comments:

I see no reason why the fact of Lovewell Blake's contract to provide HR advice to the Town Council should not be a matter of public knowledge. Their advice might well be confidential, but the fact that they were engaged to provide advice can itself be public knowledge.

If Councillors Crouch and Montague believe that Councillors Taylor and Tyrer have failed to meet the standards of the council's Code of Conduct for councillors, then the correct course of action is for Councillors Crouch and Montague to refer Councillors Taylor and Tyrer in a formal letter of complaint to the Monitoring Officer at Breckland Council.

It is not helpful (and it might sometimes be libellous) to have Code of Conduct issues aired in any Council documents, unless and until a formal complaint has been made.

Relationships with Trade Unions are not usually enhanced by people expressing opinions in public as to the strengths and / or weaknesses of the employer's case against any of its employees. Mentioning these things in public documents is usually unhelpful.

More generally, if the Council is involved in negotiations with trade unions, a knowledgeable and steady source of HR advice is usually a good thing. If one set of HR advisers departs from the scene, it is probably a good idea to engage a good replacement HR adviser.

With best wishes (and my apologies for the delay)

Nick

Nicholas Hancox

On the 13th January 2020 [REDACTED] then sent the following email to Nicholas Hancox [REDACTED] comments on the draft text are highlighted red):

Hi Nick

Thanks for your input today.

Please see attached the Draft from Cllr Keith Montague (Chairman of Personnel) whom you met today for your amendment. The paragraphs considered for deletion are as below:-

The above refers to the unacceptable behaviour of two Councillors - Cllr Taylor and Cllr Tyrer both of whom could be sited for harassment, bullying and intimidation - audit trails of emails and meeting recordings prove the point – can any of this be left in to at least identify the issue? At what point can the Councillors be named as other members wish it to be known who is doing this?

The staff have now sought Union involvement and there is a strong case against the Council. This is a recent development and at the moment we are uncertain as to their future action or involvement.

This refers to the [REDACTED] complaints and the fact that Cllr Taylor has been involved in passing on council information. – if the Councillor name has to be removed can the email sent admitting transfer of info (sent under separate copy to you) be attached?

Cllr Montague suggests the additional paragraph to be added as follows:

"Lovewell Blake will not be seeking financial reimbursement for work already undertaken"

Cllr Montague is keen to issue to all Councillors asap so be grateful if you can send amended copy back to me by close tomorrow.

We discussed the Town Council's power to take action against other Councillors and you suggested Town Council may have power to be able to remove from Committees, you are going to check this action can be taken.

Other Actions agreed:

You will attend with the two Councillors to meet with Breckland Monitoring Officer once the 8 x complaints are submitted and a meeting agreed

You will attend a meeting of the Personnel Committee to consider the staff grievance once received from Unite (Unison).

Many thanks

Nicholas Hancox suggested the following amendments on the 15th January 2020 (his comments are in red):

This refers to the [REDACTED] complaints and the fact that Cllr Taylor has been involved in passing on council information. (I think it might be prudent to omit this, even if it is factually, provably correct).

The above refers to the unacceptable behaviour of two Attleborough Town Councillors - ~~Cllr Taylor and Cllr Tyrer~~ both of whom could be cited ~~sited~~ for harassment, bullying and intimidation - audit trails of emails and meeting recordings prove the point. (Again, it might be prudent to omit these two names, however much proof we may hold as to the veracity of the statement.)

The staff have now sought Union involvement and the Union clearly believes that it has a strong case against the Council. (This has been 'toned down'.)

On the 16th January 2020 [REDACTED] sent the following statement from Cllrs Keith Montague and Tony Crouch to all councillors:

HIGH IMPORTANCE H R CONSULTANCY

To all Town Councillors

Lovewell Blake have now advised the Council that they are unfortunately disengaging with the Council in respect of the HR Consultancy Service.

The company quote the following major points that have given rise to this decision:

"Our reputation is really important to us and we do not take these decisions lightly"

"We have received various emails/social media communications from an Attleborough resident who has outstanding complaints against the council, and it appears has been informed about our involvement with the council from an HR perspective. Therefore it appears that confidential information may have been disclosed to members of the public"

It appears from an email sent out by Cllr Taylor on 3 December 2019 she accepts it was she who shared information with a person who later contacted Lovewell Blake.

"You are already aware of the key issues as are many other councillors, the report will not tell you any different and enough councillors appear to understand the risks at the moment so we would suggest that you seek support from District or County to find out your options"

The above refers to the unacceptable behaviour of two Attleborough Town Councillors - both of whom could be cited for harassment, bullying and intimidation

- audit trails of emails and meeting recordings prove the point.

Lovewell Blake will not be seeking financial reimbursement for work already undertaken.

The situation that we find ourselves in as a Council is most unpleasant and is totally unproductive - it needs an urgent resolution.

The majority of us freely give our time for the good of the town and the people of Attleborough - we all need to bear this in mind and work together

Cllr Tony Crouch – Mayor Cllr Keith Montague – Chairman of Personnel Committee

2.7 Queries from Councillors

Following the statement of the 16th January 2020, a number of councillors were concerned and asked to see the original documentation / response from Lovewell Blake. No councillors received this, nor can I find any email sending this information to councillors in response to their requests.

Cllr Taila Taylor sent the following email to [REDACTED] on the 16th January 2020:

Thank you forwarding this [REDACTED]

I will respond fully once I have sought independent legal advice on the allegations made. I will however reiterate my previous comments from the email Cllrs Crouch and Montague have made reference to from 3rd December.

'The information regarding a HR review was already in the public domain via the agenda. For transparency the company chosen should be minuted within the personnel minutes when they are finally produced, and for clarification any document that Lovewell Blake submit should become a public document held by the council.'

'Nowhere had it stated that knowledge of the HR review was private and confidential.'

For transparency can all members please be forwarded the correspondence from Lovewell Blake, not just the selected paragraphs. This is an official request.

Many thank

Cllr Taylor

[REDACTED] replied on the 17th January 2020:

Dear Cllr Taylor

Thank you for your email, for clarity, the original correspondence to which you refer was between Cllrs Montague and Crouch and the HR Consultant so please forward your request.

The report provided yesterday was composed by Cllrs Crouch and Montague, I was only asked to convert it into a PDF file and circulate same.

All emails issued via the town council email state in the footer "the contents of this email are confidential".

regards

[REDACTED] PSLCC

Cllr Taila Taylor then emailed Cllrs Keith Montague and Tony Crouch on the 17th January 2020:

Cllrs Crouch and Montague

As stated in the email below, you have individually corresponded with the HR consultant, therefore as instructed by the [REDACTED] I forward to you my official request for transparency that you circulate all correspondence between yourselves and Lovewell Blake to all members as you have both personally handled this matter.

This information is vital in enabling members to for-fill your request of consideration and resolution on this matter.

Many thanks

Cllr Taylor

No response was forthcoming, so Cllr Taila Taylor sent the following to Cllrs Keith Montague and Tony Crouch on the 28th January 2020:

Please don't mistake my eagerness for harassment but this thread began with an apparent need for "urgent resolution" - it's been more than 10 days and members have still not been forwarded the relevant information to enable us to do so.

May I also ask what the suggested resolution is for? And will this be appearing on Monday nights agenda for us to do so?

Yesterday Cllr Bulmer commented that "we know that Lovewell & Blake have terminated the report for a number of reasons. Was this because of an attempt of sabotage? (Note the question here and **not** an accusation) If so it merely reveals further the truth of what is going on here"

Unfortunately I can say, I am not confident I know what exactly each of the "number of reasons" are and I'm certain I'm not the only member left feeling slightly in the dark, otherwise there would have been no need for the question above, which can only be answered by Lovewell Blake through access to their correspondence.

I remind you both that the [REDACTED] has instructed me to forward you my request.

If Cllr Bulmer knows what “the truth of what is going on here” is, then so should we all - baring in mind we are all equals could you please send all members the correspondence I have asked for ASAP. Failing to do so will only obstruct members from making an informed decision.

Many thanks

Cllr Taylor

As the original correspondence from Lovewell Blake was not forthcoming, Cllr Taila Taylor approached Lovewell Blake directly and sent this message to them on the 27th March 2020:

I am still slightly confused though as, as a Member of Attleborough Town Council I received an email that stated before withdrawing your services, your company identified two bullies, and the Council have used this as evidence in a claim against myself and Cllr Tyrer. This would have been sent to the Council or Councillors as a document as extracts from this have been quoted. Could I ask why this hasn't been included in my SAR request as it is myself who was identified as a bully, and could you kindly forward me a copy of the correspondence containing this information.

There should have also been emails after the 25th November where I requested an extra appointment for the interview process but they are not contained in the response you have provided.

Again, many thanks for your assistance

Taila

Here is the response to Cllr Taila Taylor from [REDACTED] of Lovewell Blake on the 31st March 2020:

Hello Taila,

Thank you for your email. I can understand your confusion if that is what you have been told. However, after checking our systems again and speaking to colleagues, I can confirm that no report or email was even drafted. If you have been told that then we have been misquoted.

We havent identified any further emails in addition to those provided unfortunately.

Kind regards

[REDACTED]

2.8 Justifying Action Against Councillors

The Lovewell Blake report was referred to by most councillors who approved the action against Cllrs Edward Tyrer and Taila Taylor as independent evidence supporting their decision and upholding the accusation of harassment and bullying by these councillors against members of staff. However, it is clear from the correspondence above that Lovewell Blake did not refer to these councillors by name or make any such conclusions.

3 Breckland Monitoring Officer

3.1 Introduction

Following the disengagement of the HR consultancy, and in line with advice from both Lovewell Blake and Nicolas Hancox Solicitors (see emails references below), the town council approached Breckland's Monitoring Officer.

Extract from Lovewell Blake email sent on Wednesday 18th December 2019:

You are already aware of the key issues as are many other councillors, the report will not tell you any different and enough councillors appear to understand the risks at the moment so we would suggest that you seek support from District or County to find out your options.

Extract from Nicolas Hancox email sent on the 7th January 2020:

If Councillors Crouch and Montague believe that Councillors Taylor and Tyrer have failed to meet the standards of the council's Code of Conduct for councillors, then the correct course of action is for Councillors Crouch and Montague to refer Councillors Taylor and Tyrer in a formal letter of complaint to the Monitoring Officer at Breckland Council.

This was also consistent with advice given by [REDACTED] to Cllr Vera Dale in an email on the 4th December 2019:

Hello Vera

Thank you for your email regarding the letter circulated by the Mayor on Monday night and further to our conversation earlier today.

I confirm I did not handle this complaint and did not deal with it at any stage, I still do not have a copy of same.

I agree the Code of Conduct should be followed and am aware Councillor complaints should be processed via the Monitoring Officer.

Kind regards

[REDACTED]

3.2 Meeting with Breckland Monitoring Officer

It was agreed by [REDACTED] Cllrs Keith Montague and Tony Crouch that Nicholas Hancox should also attend the meeting with Breckland's Monitoring Officer (email from [REDACTED] to Nicolas Hancox on the 13th January 2020):

Other Actions agreed:

You will attend with the two Councillors to meet with Breckland Monitoring Officer once the 8 x complaints are submitted and a meeting agreed

[REDACTED] emailed Breckland's Monitoring Officer ([REDACTED]) on the 20th January 2020 to arrange a meeting:

Dear [REDACTED]

I have been asked to contact you to request an informal meeting with our Mayor, Cllr Crouch and also the Chairman of the Personnel Committee, Cllr Montague, both of whom you met previously.

Please can you advise your earliest availability asap so we can confirm time and date as they are keen to discuss some urgent issues with yourself.

Many thanks

[REDACTED]

A meeting was arranged for the 30th January 2020.

3.3 Notes from the Meeting

The following email was sent to Cllrs Keith Montague and Tony Crouch (and forwarded to [REDACTED] from [REDACTED] (Breckland Council) on the 6th February 2020:

Good Afternoon,

Following the discussion with the Monitoring Officer, [REDACTED] and the Legal Services Manager, [REDACTED] on the 30th January, please find attached a summary of that discussion for your information.

Please be advised that the Monitoring Officer has considered the complaints received and given the nature consider that an independent mediator become involved to resolve the issues. I will be writing to the complainants to inform them of this decision in due course.

Following on from our conversation, the lady that [REDACTED] recommended who would be able to provide assistance, was [REDACTED], who is from the East of England Local Government Association (EELGA) and can be contacted on [REDACTED] or email [REDACTED]

Regards,

[REDACTED]

The following is the attached meeting summary referenced in the above email:

Summary of Meeting with Attleborough Town council – 31 January 2020

In attendance:

Tony Crouch, Mayor of Attleborough Town Council

Mr Montague, Chair of Personnel Committee

Mr Nick Hancox, Solicitor for Attleborough Town Council

[REDACTED], Breckland Council Monitoring Officer

[REDACTED], Legal Services Manager, Breckland Council,

[REDACTED], Democratic Services

9-complaints received from Attleborough Town Councillors. All relate to the Deputy Mayor, Councillor Tyrer, with only 3 complaints relating to Cllr Taylor, and one of those also included Cllr Ashby. Concern that the Town Council had become dysfunctional.

Staff have signed a petition of grievance for bullying and harassment with the United Union who have asked for a meeting to be convened as soon as possible (Letter dated 27 Jan). MOM reminded them of the Corporate responsibility that all Councillors have and therefore should act on the letter as soon as possible.

Lovell & Blake had been instructed to carry out a confidential HR review, to interview all staff and Councillors and provide an independent opinion to the situation, and understand the difficulties that could be corrected easily. A report was going back to the Mayor and the Chair of the Personnel Committee. Each individual interviewed were given ½ hour; however, two councillors specifically demanded to have longer. However, the name of the company used had been leaked by Councillor Taylor, despite being told that the process was to remain confidential. It was understood Cllr Tyrer spoke directly to the Director of the HR Company but what had been said is not known. As a result, the HR company asked for an urgent meeting, of which the Managing Director spoke to the Mayor and the Chair of the Personnel committee outlining the confidentiality aspect, and noted the harassment and bullying was evident and that if this was written it would be detrimental to the council. The HR company pulled out.

Strong concern regarding the Deputy Mayor harassment behaviour, as outlined within all 9 Complaints. MO explained that it was within the Town Council's gift to remove him as Deputy Mayor, and Chair of the Attleborough Neighbourhood Plan Committee. It was not for Breckland to do this.

Suggested this is a serious case of which mediation would be suggested. It would be for the Town Council to procure an independent mediator, such as the East of England Local Government Association (EELGA); or NALC. The Mayor said he was an Executive Director of NALC, and was advised that due to perception it would be better to not use NALC for this process.

It was suggested that due to staffing incidents that CCTV be installed into the Town Hall if anything to be seen as a deterrent, and to help staff feel safe.

It was agreed that with regards to the 9 complaints received, that a decision had been made to not to speak with everyone at the moment, and that the mediation would be the best course of action.

Summary

Complaint against a Councillor Investigation – BDC would write to the complainants and explain that given the circumstances we have made the decision not to investigate further at this stage, and that as a result of the number of

complaints received that mediator would be the best option for the Town Council to move forward. Suggest the Town Council considers procurement of independent mediation as soon as possible. Breckland recommended [REDACTED], EELGA and/or NALC. In addition, if Attleborough Town Council are concerned about their staff it is suggested that CCTV is installed within the town hall to protect staff.

It should be noted in both the above email and the meeting summary it clearly states mediation as the recommended course of action.

3.4 Breckland Council's Email to Complainants

Complainants were sent the following email from [REDACTED] (Breckland's Monitoring Officer) on the 6th February 2020:

Further to the email sent to you on the 30th January (copy below) I have considered the various complaints that have been made in respect of Members of Attleborough Town Council. Given the nature of the complaints, I consider the best way forward is for the Town Council to arrange for an independent mediator to become involved to resolve the issues. I therefore, at this time, do not propose to take further action to yours or other complaints received.

Regards,

[REDACTED]

Monitoring Officer

3.5 Town Council Response to Recommendation for Mediation

The following is [REDACTED] response to Breckland Council's recommendation for mediation, sent to Cllr Keith Montague on the 6th February 2020:

Hi Keith

Very disappointing and sounds like a cop out to me! When I have experienced mediation before it has not been successful and actually made things worse. I think it is pretty appalling that she is not even offering to facilitate the mediation even though I don't think this would work.

Ask Nick what action you can take to make the MO/Breckland take action as this is a very serious matter, I doubt they have had 9 x complaints come in before and she is fully aware of the seriousness. Remember [REDACTED] said we could ask for an MO of a different authority to look at it if she will not act, I think we may also be able to call on Local Government ombudsman. I think all 9 complainants should respond and express their dissatisfaction at her lack of action and perhaps mention the press again!

Kind regards

[REDACTED]

Email sent from [REDACTED] to [REDACTED] (Chief Executive of Breckland Council) on the 26th February 2020:

Dear [REDACTED]

I am writing to you regarding the lack of support Attleborough Town Council has received with the management of the unacceptable behaviour of two Councillors both reported to your Monitoring Officer, [REDACTED]. There are currently 12 complaints relating to these two Councillors, one of whom is also a Breckland Councillor (Taila Taylor).

It also seems Cllr Tyrer has held meetings with some of your Officers and Councillors when he had no authority or delegated powers to represent Attleborough Town Council.

The Town Mayor, Chairman of the Personnel Committee and our Solicitor request an urgent meeting with you to discuss this matter fully. As you are no doubt aware from the recent press coverage the situation has now become extremely serious and must be resolved asap to enable the Council to function. Please can you advise your availability by return.

[REDACTED]

Email reply from [REDACTED] (Breckland Chief Executive Officer) sent to [REDACTED] on the 27th February 2020:

Dear [REDACTED]

Thank you for your email dated below. I am surprised regarding your comments about lack of support from my team here at Breckland Council regarding the management of two of your Councillors. My understanding from my Monitoring

Officer and my Democratic and Legal Services team is that they have met with you and various representatives of the Town Council recently, at least on two occasions to offer your council support and guidance.

Your council was advised at a meeting of the 31 January that the best way forward was to look to “**Mediation**”. My team suggested a number of organisations that could support the Town Council. So question to you, has this advice been taken up?

The Breckland team has written to all of the complainants to confirm that we will take no further action at this time pending mediation taking place.

Therefore you need to confirm the position regarding mediation, after which the Monitoring Officer will proceed accordingly.

As you have been advised the relevant legal power that Breckland Council has is the power to consider complaints of alleged breaches of the members’ code of conduct by individual councillors. This is not an alternative to or substitute for ATC’s employment/grievance processes. It should be noted, for example, that the sanctions available under the Standards are extremely limited, and would be unlikely to assist in any event. Under our Standards Arrangements, the Monitoring Officer has wide discretion in how such complaints are handled and, as we have previously advised, this includes considering alternatives to a formal investigation, such as mediation.

The issue you mention regarding Cllr Tyrer has been addressed internally following your e-mail to the Monitoring Officer on 4th February 2020.

Standards matters are the responsibility of the Monitoring Officer within the constitution, and as such I have no remit to intervene in Attleborough Town Council matters as Chief Executive or as Head of Paid Service.

I have every confidence that this matter is being dealt with in the most appropriate way, I do not therefore consider it appropriate to meet with you, although I am sure if you wish to meet with the Monitoring Officer again this can be arranged, and who is copied into my response

regards



3.6 Justifying Action Against Councillors

Advice from Breckland Council’s Monitoring Officer was referred to by most councillors who approved the town council’s action against Cllrs Edward Tyrer and Taila Taylor as independent evidence supporting their decision and upholding the accusation of harassment and bullying by these councillors against members of staff, as well as supported the council’s ability to take action against these councillors. However, it is clear from the correspondence above that this was not the case and mediation was the only recommendation by Breckland Council.

4 Staff Grievance

4.1 Introduction

As a result of the perceived lack of intervention of Breckland Council's Monitoring Officer (in the view of some town councillors), staff members issued a formal grievance against the town council with the help of Unite the Union.

It should be noted that the supporting evidence for the grievance has not been seen by me at the time of writing this report.

4.2 Grievance Letter

The following letter from Unite the Union was sent to Cllrs Tony Crouch and Keith Montague, [REDACTED], Nicholas Hancox and [REDACTED] on the same day as the grievance meeting, the 4th February 2020:

Dear Mr Crouch,

I write with regard to the majority of Attleborough Town Council employees who are members of Unite the Union.

As I believe you are aware, our members have raised some extremely serious issues concerning the conduct of elected members, namely Councillor Eddie Tyrer, Councillor Taila Taylor and Councillor Lucun Graves. They have described a systematic and sustained campaign of bullying and harassment of Council staff, including persistent and libellous posting on social media, outbursts in public meetings and face to face verbal attacks (including foul language) on staff whilst carrying out their Council duties.

In the case of Councillors Tyrer and Taylor, there is also a suggestion that their behaviour has at times amounted to intimidation.

Please be assured that Unite will use all of its available legal resources to protect our members, including if necessary taking cases to the Employment Tribunal. Given the extremely large amount of compelling documentary evidence, I would suggest that the council is greatly exposed with regard to such claims should they arise. Moreover, should evidence arise that any of the behaviour of elected representatives has gone beyond the employment relationship and into the area of criminal law (threatening behaviour for instance) then we will not hesitate to use our legal resources in this regard also.

Whilst I appreciate that the powers of a Town Council are somewhat limited with regard to the sanctioning of elected members, it does not detract from your liability towards your employees and I trust that as a body you will do everything it takes to fulfil your duty of care towards your workforce. I would add that the behaviour of your councillors is demeaning to their role and undoubtedly brings the council into disrepute, but this is a matter for the Council.

I would ask in the strongest terms that the Council act immediately to address this situation and that you respond to this letter at your earliest opportunity indicating how you propose to achieve this. Should you need further clarification I will be happy to oblige.

Yours sincerely

[REDACTED]

Unite Regional Officer

On the same day, the 4th February, the following confidential report was provided by Nicholas Hancox to [REDACTED] Cllrs Tony Crouch and Keith Montague, and [REDACTED] from Unite the Union (the report was marked confidential and requested all paper copies to be returned and shredded at the end of the meeting):

CONFIDENTIAL Report to Attleborough Town Council by Nicholas Hancox Solicitors Limited

RE: A Grievance raised by Unite the Union on behalf of several employees of the Town Council

NOTE: This report is CONFIDENTIAL and the public and press will be excluded from the meeting during its discussion, because, in the words of the Public Bodies (Admission to Meetings) Act 1960, "publicity would be prejudicial to the public interest by reasons of the confidential nature of the business to be transacted". The business to be transacted here relates to the welfare and working conditions of several of the Council's employees.

1. Members of the Council will find attached to this Report a confidential copy of the Grievance Letter submitted by Unite the Union on behalf of some employees of the Town Council last month.

2. A meeting was held at the Town Hall on 4th February to discuss the matter. Present were Councillor Crouch, Councillor Montague, [REDACTED] from Unite The Union and one representative of the relevant staff. I also attended as the Council's solicitor. The Union gave examples of bullying and harassment done by councillors against employees. Two Councillors, Cllr Taylor and Cllr Tyrer, were particularly named as alleged perpetrators of this bullying and harassment of staff.
3. The Councillors present at the meeting came to accept that bullying and harassment did take place and they fully understood that the Town Council, as the corporate employer, is responsible for providing a safe and pleasant working environment for all of its employees. The Councillors present at the meeting reluctantly agreed with Unite the union that urgent action has to be taken now, to stop the bullying and harassment.
4. Councillors Taylor and Tyrer were duly elected onto the Council by their local voters and the Town Council has no power to remove any Councillors from the Council. The Monitoring Officer at Breckland is investigating complaints of breaches of Code of Conduct, but even the Monitoring Officer has no power to impose any sanction or punishment on any Councillor. The Monitoring Officer's decision on the complaints is awaited, but it seemed to Councillors Crouch and Montague in the meeting with Unite very likely that 'Code of Conduct' complaints would be upheld against councillors Taylor and Tyrer.
5. Councillors Crouch and Montague therefore supported the Grievance brought by Unite and they now look to the full Town Council to do what the Council can do, to put matters right.

Nicholas Hancox

This confidential report was written on **4th February 2020**, which is the same day as the meeting discussed under point 2 of this report.

Point 1 of the report states "members of the council will find attached to this report a confidential copy of the grievance letter submitted by unite the union on behalf of some employees of the Town Council last month"

However, the grievance letter submitted by Unite the Union is also dated **4th February 2020**, the same day as the meeting and the same day Nicolas Hancox produced his confidential report.

Coincidentally, as per standing orders at the time and the requirement for 10 clear days' notice to be given to the proper officer of any such motion, the motion signed by eight councillors would have had to have been submitted to the proper officer on **4th February 2020** to meet the 10 clear days requirement for the meeting on 17th February 2020.

Taken together, and with other documents within this report, this does provide evidence of potential collusion, predetermination, and the indications that may call into question the independence of the legal advice provided to the council.

4.3 Grievance Meeting

A grievance meeting took place on the 4th February 2020, with the following being in attendance: Cllrs Keith Montague and Tony Crouch, Nicolas Hancox (solicitor) and [REDACTED] (Unite the Union).

This had previously been agreed prior to the meeting with Breckland Council's Monitoring Officer, as demonstrated by an email from [REDACTED] to Nicholas Hancox on the 13th January 2020:

You will attend a meeting of the Personnel Committee to consider the staff grievance once received from Unite (Unison).

Whilst the contents of the meeting have been kept confidential, the following emails demonstrate the action agreed at the meeting:

Email from Nicholas Hancox to [REDACTED] sent on the 4th February 2020:

Dear [REDACTED]

I attach a revised draft of the Notice of Motion relating to the proposed removal of two councillors from the committees and working groups. Obviously, Councillors must only sign this Notice if they are sure that the allegations made in it are true.

I also attach copy of my Report to the Council on the outcome of the Grievance Meeting earlier today. Again, we need to be careful about the wording we are using and we must only publish the Report (on the agenda) if we are sure that the facts alleged in it are true.

This Motion and my Report are both likely to gain considerable publicity if leaked to the Press. Putting my Report on your Agenda will give the 'story' to the Press anyway. The Town Council needs to be ready to deal with the publicity- even for a 'confidential' item.

Nicholas Hancox

In response to a query from [REDACTED] about the motion on the agenda, Nicolas Hancox sent the following email on the 5th February 2020:

Dear [REDACTED]

How you handle the motion in terms of whether it all goes on the Agenda is up to you, really. My inclination would be to publish an agenda that has three items:

1. To exclude the press and the public under the Public Bodies (A to M) Act 1960 during consideration of the following two agenda items:
2. To consider a Report [by Nicholas Hancox Solicitors Limited] on a Grievance raised by Unite the Union
3. To consider a motion to be moved by Councillor XXXXX and others relating to the proposed removal of Councillor Tyrer from the Deputy Chairmanship of the Council and the proposed removal of Councillors E Tyrer and T Taylor from all committees and working groups of the Council

Then the motion in Item 3 and my Report in item 2 would be circulated only to members of the council and all under a Confidential heading. (Do you usually print such things on pink paper? Some local councils do that.)

Cllrs Tyrer and Taylor will need to be offered the opportunity during the meeting to answer the allegations against them.

The Mayor might usefully say at an appropriate stage of the meeting (before the vote is taken): "Councillors Tyrer and Taylor, do you wish to respond to the allegations made by Unite the Union? And do you wish (also or instead) to respond to the motion seeking your removal from (in Cllr Tyrer's case) the Vice-Chairmanship and (in both cases) from all of the Council's committees and working groups?"

Best wishes

Nick

In response to the email from Nicholas Hancox, Cllr Keith Montague sent the following email to [REDACTED] and Cllr Tony Crouch on the 5th February 2020:

Hi [REDACTED] and Tony

Just received the above from Nick.

Do we need to add to item 3 "for a period of two years"?

I am very nervous of Eddie and to a lesser extent Taylor demanding to know exactly what the allegations are against them and trying to get the vote delayed. Also can they put an amended motion i.e. We give a warning in this instance?

Knowing Eddie I do not feel that we are watertight..

I will pop in tomorrow morning to collect the Unite letter - if you have a few minutes it would be good to discuss.

I have not sent a copy of this e-mail to Nick at the moment.

Kind regards Keith

4.4 The Town Council's Grievance Policy

The town council's grievance policy during this period was referenced by [REDACTED] in an email to Lovewell Blake on the 12th September 2019, stating:

"My Assistant will send over some of our policies asap to you, I am not confident the grievance and disciplinary are adequate and have used the ACAS one when we have had any issues here."

[REDACTED] (County Officer for Norfolk Association of Local Councils) confirmed on the 3rd November 2020 that their October 2019 newsletter addressed the Ledbury Judgement and its *"ruling a Council cannot conduct its own formal grievance proceedings if the complaint refers to a named Councillor."*

Additionally, in November 2019 the National Association of Local Councils issued a document referenced LTN22 'Disciplinary and Grievance Arrangements', which addressed the Ledbury ruling.

██████████ stated in a meeting held on the 29th July 2020 with Cllrs Philip Leslie and Beverley Bulmer that she had been previously aware of the Ledbury case and its ruling prior to the action taken against councillors. She also stated that she had informed Cllrs Keith Montague and Tony Crouch of her concerns prior to the action against Cllrs Edward Tyrer and Talia Taylor. This claim was strongly rebuffed by Cllr Keith Montague in his interview.

For clarity, if the grievance policy had been updated to address the Ledbury Judgement the subsequent unlawful action against Cllrs Edward Tyrer and Talia Taylor may have been avoided.

The current grievance policy and procedure was adopted in October 2020 and is based on the NALC LTN22 document.

5 Action Against Councillors

5.1 Introduction

It should be noted that in a meeting with Cllrs Philip Leslie and Beverley Bulmer on the 29th July 2020 [REDACTED] denied any involvement in the action against Cllrs Edward Tyrer and Taila Taylor, stating that as she was the complainant it would be inappropriate for her to be involved and that she on annual leave during the period when action was taken against councillors.

It is clear that even before the meeting with Breckland Council's Monitoring Officer on the 31st January and the formal grievance from staff members via Unite the Union, action was been considered against Cllrs Edward Tyrer and Taila Taylor, as shown in the following email from Nicholas Hancox to [REDACTED] on the 15th January 2020:

Dear [REDACTED]

Here is the 'meat' of an article in the *Modern Law Review* discussing the 1951 case of *Manton v Brighton Corporation*, which is authority for the proposition that a Council may remove any particular member from any or all of the Council's committees:

A COUNCIL'S POWERS

IN *Manton v. Brighton Corporation* [1951] 2 All E.R. 101 the facts were simple. The plaintiff was an alderman of Brighton county borough. On May 25, 1950, he was appointed in the usual way to serve for one year on three standing committees ; on December 21, 1950, the council appointed an ad hoc committee to inquire into certain alleged conduct of the plaintiff relating to council house allocation. This committee reported and recommended that the plaintiff ' should no longer serve on any committee of the council ' : the council adopted this recommendation. The plaintiff claimed that he had been appointed for one year to the committees and was entitled to continue to exercise all his rights and privileges as a member of those committees until the year expired. He asked for a declaration and an injunction. Slade J. gave judgment for the defendants. He said that the words appointing the plaintiff for one year did not mean that he should continue in all circumstances as a member of those committees throughout the ensuing year but merely indicated that in normal practice he would do so. The larger question was whether, despite this interpretation, the council had power to revoke the resolution appointing the plaintiff before his year of office on the committees expired. The learned judge found support in *Huth v. Clarke* (1890). In the present case, he said, ' most of the functions of the standing committees were to make recommendations to the council, but in some cases they were entrusted with the exercise of executive powers. . . . In so far as the delegation is of executive powers, it seems to me that the appointor must be able to determine the authority of the appointee. If there is power to revoke the authority of a committee as a whole, in my judgment, there must be a power to revoke the authority of any single member thereof ' . It is suggested, with respect, that the logic of this argument is assailable. When a committee is established, there are two [FOOTNOTE:** See W. Friedmann, ' The New Public Corporations and the Law ' , (1947), 10 M.L.11. 233, 377; Glenville L. Williams, *Crown Proceedings* (1948), pp. 21 ff. ; pp. 90 ff.] distinct and separate operations. The first is the decision to establish the committee and the delegation to it of certain powers enjoyed by the council. The second is the appointment of individual members to serve on the committee. The council can, at any time, decide to abolish or vary the powers of the committee. The council can, according to *Huth v. Clarke*, itself exercise the ' powers it has delegated, although the committee remains in existence, for ' delegation does not imply a denudation of power and authority'. (Some observations of Scott L.J. in *Blackpool Corporation v. Locker* which appear to conflict with this view were not cited.) But it does not follow that because the council can abolish a committee, or vary its powers, or act despite its existence, therefore the council can revoke the appointment of any member of the committee. There is only one act of delegation and that is to the committee itself ; there are no separate acts of delegation to the members of the committee. The power to cancel the appointment of members derives from the resolution which prescribes their appointment, not from the resolution which delegates powers to the committee. There is a principle of considerable importance involved in this decision. Everyone knows that the real work of a council is done, and must be done, in committee. A member debarred from committees may speak at council meetings, held monthly or quarterly, on matters which are the subject of recommendations from committees or on other matters on the agenda; he will probably be allowed to speak only once or perhaps twice on each matter; he will find difficulty in speaking at all on matters over which a committee has executive powers. Should an elected body have power so to exclude one of its elected members from participation? The Local Government Act, 1988, provides for the disqualification of members of a council and its committees if they have acted improperly in certain specified ways. It may be assumed that whatever the plaintiff in the present case was alleged to have done, the alleged action did not fall within any of these provisions. There have long been complaints that, in practice, certain

councillors find appointment to certain committees very difficult, and there is, of course, no right of appointment to any committee at all. It may be that the Act of 1988 needs amendment to enlarge the number and type of offences for which a councillor may be removed; the Act certainly needs amendment to ensure that a properly elected councillor has the opportunity of participating fully in the affairs of the council and its committees. Above all, the decision whether a councillor is unfit to participate fully or at all should rest, not with his fellow councillors, but with an independent tribunal. Whom the electorate hath joined, let not an ad hoc committee put asunder. J. A. G. GRIFFJTH

This statement of the law is also referred to in *The Clerk's Manual*, which [REDACTED] and I wrote for the SLCC in 2018. The Council does need a reason to remove a Councillor from committees, but bringing the Council into disrepute is a sufficient reason.

Nick

[REDACTED] forwarded this email to Cllrs Tony Crouch and Keith Montague on the 16th January 2020 with the following comments:

Hi Keith and Tony

See info on removal from Committees seems to be good news!

Kind regards

[REDACTED]

5.2 Pre-Action Discussions

Prior to action against councillors Nicholas Hancox sent this email to [REDACTED] on the 31st January 2020:

Dear [REDACTED]

Here, as promised, is a draft Notice of motion for the "suspension" of various Councillors from Committees. You may need to tweak the details, as I am not entirely sure which committees we are talking about for which members.

As you will see, there are complications in your Council's Standing Orders, referenced in two footnotes.

Once you have finalised the draft, they will need to find at least seven members to sign the Notice. Nine would be ideal.

Then you will need to consider the 'openness' of the meeting and whether or not the public can and will be excluded. And if they are going to have a secret ballot, you or I will need to find a Standing Order permitting it!

Best wishes

Nick

After a request from [REDACTED] and Cllr Keith Montague that the draft Notice of Motion be amended the following 2nd version was emailed by Nicholas Hancox to [REDACTED] on the 5th February 2020:

Notice of Motion for Attleborough Town Council dated [.....] 2020

We the undersigned members of Attleborough Town Council now GIVE NOTICE to the Proper Officer (under Standing Order 9 b) of the following Motion to the next meeting of the Full Town Council:

MOTION:

Because nine 'Code of Conduct' complaints have been sent to the Monitoring Officer at Breckland Council about Councillor Edward Tyrer and three about Councillor Taila Taylor, being two members of Attleborough Town Council;

And Because those complaints and the behaviour described in them are justified and they damage the reputation of the Town Council,

And Because Unite the Union has on behalf of employees of the Council submitted and then justified a formal Grievance to the Council about the behaviour of Councillor Edward Tyrer and Councillor Taila Taylor towards various employees of the Council;

and Because the behaviour described in the Grievance damages the reputation of the Town Council,

THE TOWN COUNCIL NOW RESOLVES AS FOLLOWS:

1. (Pursuant to Standing Order 7 a) to revoke the appointment of Councillor Edward Tyrer as Deputy Mayor of Attleborough and to remove Councillor Tyrer from all Committees and Working Groups of the Council for a period of two years;
2. (Pursuant to Standing Order 7 a), to remove Councillor Taila Taylor from all Committees and Working Groups of the Council for a period of two years; and
3. That a new election of a Vice Chairman and Deputy Mayor be held at a future meeting;

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Footnote 1: Standing Order 9b requires 10 days' notice of a motion at a meeting to be given to the [REDACTED]

Footnote 2: Standing Order 7a requires at least seven councillors to give written notice to reverse a recent decision.

The following email was sent by [REDACTED] to Nicholas Hancox on the 6th February 2020 ([REDACTED] comments and queries for response are highlighted red and Nicholas Hancox responses are highlighted green):

Hi Nick

I have met with Tony and Keith this morning to discuss your email and the format of the meeting and have the following comments and queries for your response please.

Draft Agenda for Extraordinary Meeting of Attleborough Town Council, 17 February 2020 at 6pm (I will be away, who should issue the summons? Normally [REDACTED] but this is not normal!)

NICOLAS HANCOX: I would suggest that [REDACTED] issue it in your name.

1. Apologies for absence (should items 1 & 2 be included? Should the Exclusion (3) still be first item?)

NICOLAS HANCOX: No, you should put Apologies for Absence in first.

2. Declaration of Interest

a) To consider declarations of interest in respect of items below

(Members are no longer required to declare personal or prejudicial interests but are to declare any new Disclosable Pecuniary Interests that are not currently included in the Register of Interests. Members are reminded that under the Code of Conduct they are not to participate and must leave the room for the whole of an agenda item to which they have a Disclosable Pecuniary Interest. Members may disclose any other interests they may have in the interests of transparency)

b) To receive any requests for dispensation of Disclosable Pecuniary Interest (As both Cllr Tyrer and Taylor are the subjects of the discussion do they have an interest which requires them to leave the room during the following items for discussion?)

NICOLAS HANCOX: These Councillors' interests are not DPI's. They have Personal Interests in the matter under discussion, but not Disclosable Pecuniary Interests. Are their Personal Interests also Prejudicial Interests? The test is "whether or not the public would think that the Personal Interest is so significant that it would probably adversely affect the member's decision on the matter". This means that the affected members' Interests probably ARE both Personal and Prejudicial Interests. They must therefore declare their Personal and Prejudicial Interests, but in my opinion they should be allowed to stay in the room. Indeed they should be encouraged to stay, as they may want to respond to the allegations made against them, before the vote is taken. They are in theory entitled to vote on the motion, by my advice to them would be that they should NOT vote on the motion. I don't know, but it is possible that the Monitoring Officer might take a different view on these aspects of the matter. My advice is that you should

ask the MO for her opinion before the meeting, because it will be difficult to override the MO's Opinion, even if she is wrong!

3.To exclude the press and the public under the Public Bodies (Admission to Meetings) Act 1960 during consideration of the following two agenda items

To pass a resolution excluding the press and public from the meeting under Section 1 of the Public Bodies (Admission to Meetings) Act 1960 given the sensitive nature of the business to be discussed (Are we able to admit a Police Officer (if anyone is willing) to keep it calm and have there in case it gets out of control?)

(The staff have also suggested hiring a security doorman for the night?)

NICOLAS HANCOX: You can always admit any number of Police Officers, if they are needed to keep the peace.

4.To consider a Report [by Nicholas Hancox Solicitors Limited] on a Grievance raised by Unite the Union (Do we table the report at this time (on purple paper with named Cllr for return at end) and allow, say 5 minutes, reading time?) Do we circulate the Unite letter?

Do we allow the two Councillors to respond at this point? Is it legal for them to be asked to leave the room and return individually to respond and then leave again?

Can they be limited to a maximum of 5 minutes each? (5 minutes would be in line with Standing Order 1t)

Can we limit any questions/answers to avoid it becoming uncontrollable and weaker Councillors leaving the meeting?

We suggest using a timed agenda (maximum meeting time 45 minutes) and also have a timer/buzzer at the meeting to keep to time – your thoughts please

NICOLAS HANCOX:

- I would issue my Report with the Agenda, to Members only, on purple paper.
- Yes, circulate the Unite Letter, to Members only, on purple paper.
- I think the two Councillors should be invited to respond at the end of the debate, before a Vote is taken.
- I would allow the councillors to remain in the room and hear the allegations against them.
- You can limit their responses to 5 minutes each. You can limit the duration of the debate too.

5. To consider a motion to be moved by Councillor Crouch and others relating to the proposed removal of Councillor Tyrer from the Deputy Chairmanship of the Council and the proposed removal of Councillors E Tyrer and T Taylor from all committees and working groups of the Council

We suggest the motion is tabled at this point (on purple paper with named Cllr for return at end) and also Cllr Crouch as the Chairman reads it aloud to limit time and then takes the vote asap

Queries raised –

Do we need a proposer and a seconder as the written motion already has 8 signatures?

NICOLAS HANCOX: The Notice of Motion doesn't say who will propose and second the Motion, but the Mayor might assume that the first two signatories will do it.

It is possible someone may try to amend the written motion how can this be avoided?

NICOLAS HANCOX: You cannot prevent amendments being proposed.

The preference is vote by paper ballot, I am assuming this can be proposed on the night but please advise otherwise or does it need to be included on the agenda?

NICOLAS HANCOX: It doesn't need to be on Agenda. Best proposed on the night, if Officers are ready for it.

We suggest you manage the voting slips as they are returned, count them and advise the result to show independence – please confirm or advise

Do Cllr Tyrer and Taylor have a right to vote?

NICOLAS HANCOX: It is best if they don't vote on this Motion, but I think it will be hard to deny them the right to vote, if they insist.

Other general queries are:

The Unite letter also refers to Cllr Lucan Grave, do we need to do anything on this or should this be addressed at a later time?

NICOLAS HANCOX: The Motion doesn't mention Cllr Grave, so he is in the clear for now.

Cllr Taylor often records the meetings on her mobile phone, can we insist mobile phones are handed in at the beginning of the meeting/or left in the office or similar for collection at end?

NICOLAS HANCOX: Everyone has the right now to record Council meetings. (see SI 2014 No 2095.) That includes Councillors.

Should Cllr Crouch/ATC make a press release following the meeting? We would require your advice and assistance on the wording please

Tony and Keith suggest a telephone call with you to prepare on either Thursday or Friday (13 or 14 Feb) and a pre-meeting on Monday, 17 February, say at 4 before the actual meeting at 6pm – please advise your availability.

NICOLAS HANCOX: I think a pre-meeting would be very useful.

Your urgent response is requested and thank you for your ongoing assistance.

Kind regards



On the 11 February 2020, an updated Notice of Motion was emailed to Nicholas Hancox by [Redacted]

Notice of Motion for Attleborough Town Council dated 17 February 2020

We the undersigned members of Attleborough Town Council now GIVE NOTICE to the Proper Officer (under Standing Order 9 b) of the following Motion to the next meeting of the Full Town Council:

MOTION:

Because eight 'Code of Conduct' complaints have been sent to the Monitoring Officer at Breckland Council about Councillor Edward Tyrer and three about Councillor Taila Taylor, being two members of Attleborough Town Council;

And Because those complaints seek to impugn the reputations of Councillor Tyrer and Councillor Taylor,

And Because Unite the Union has complained by way of a formal Grievance to the Council about the behaviour of certain members of Attleborough Town Council towards various employees of the Council;

and Because this Grievance seeks to impugn the reputations of Councillor Tyrer and Councillor Taylor,

THE TOWN COUNCIL NOW RESOLVES AS FOLLOWS:

1. To revoke the appointment of Councillor Edward Tyrer as Vice Chairman and Deputy Mayor of Attleborough for a period of two years;
2. To remove Councillor Taila Taylor and Cllr Edward Tyrer from all Committees and Working Groups of the Council for a period of two years;
3. That Councillor Taila Taylor and Councillor Edward Tyrer cannot become Vice Chairman or Mayor for a period of two years;
4. That a new election of a Vice Chairman and Deputy Mayor be held at a later date.

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

Signed (print name of Councillor: _____)

5.3 Private Meetings with Selected Councillors

In seeking to secure the support of the 8 councillors necessary to sign the Notice of Motion against Cllrs Edward Tyrer and Taila Taylor a number of private meetings were held in February. They were conducted by Cllrs Tony Crouch and Keith Montague, as well as Nicholas Hancox (solicitor) and [REDACTED] (Unite the Union). Cllrs Anthony Busk, Dorothy Redmond, Beverley Bulmer, Jaqueline Roper, Barry Cousins and Bill Loades were invited and attended. No other councillors were invited to these meetings or made aware of them.

From interviews with councillors who attended these meetings, they were mainly led by Nicolas Hancox and [REDACTED] (Unite the Union), with the later referring to the serious nature of the alleged grievances and a file of evidence supporting these allegations. No councillor was shown this evidence. Several councillors raised grave concerns over this course of action during these meetings and questioned the legality of the potential actions against other councillors. They were assured that the town council was acting legally and were told that the HR consultation supported these accusations and Breckland Council supported the action (both of which were later found to be false). At no time was the prospect of a Judicial Review against the town council ever mentioned, nor was the recommendation of mediation raised. However, the potential threat of legal action against the council from Unite the Union was forcefully presented.

Prior to the 2nd meeting on the 27th February 2020, several councillors who were signatories of the motion became hesitant, so [REDACTED] sent the following email to them on the 25th February 2020:

Dear Cllrs

I have read your emails this morning and do appreciate how very difficult this is for you all and I do speak for all the staff when I thank you for your support to-date, however, I would say please, please, please don't give up now!

We have endured this awfulness for a long time now and yes it has reached a dreadful state but I truly believe it can be turned around if we all continue to stand together. We are following the legal process and we do have the law on our side in this, do not be duped by certain quotes that have been sent around. We are being advised by a Solicitor who has good knowledge of local government and he has sought advice from a top barrister. We have been assured we are entitled to hold our meetings without the public for as long as is needed as the Council must be allowed to function. The public will soon become bored once they realise they will not be admitted and the sensationalism dies down

You have to remember whilst there are loud voices, this is a minority, the town has an electorate of around 11,000 and growing, these people are not speaking for them. They are bullies and even if you resign they will not suddenly embrace you or like you but continue in their bullying behaviour strengthened by the misguided belief they are in the right and your resignations confirm this in their minds and will give them more strength. You have the majority and if you all vote to resolve to remove the two councillors on Thursday night you will have removed much of their power. The hangers on will have to decide if they really want to ally themselves publicly to these people, is there really that much loyalty there?

As Keith says, today's news soon becomes old news, if the resolution is made on Thursday we can get back to Council business and provide some positive outcomes which will re-engage the public. The Chapel is ready to proceed, London Road play area can be progressed, [REDACTED] is on standby to start on Gaymers, Jacqueline has her community day planned, the Cinema is going from strength to strength, there is much to be positive about.

You have a team of hardworking, loyal staff who want to deliver positive initiatives and serve you and the community, they are all here hanging on for dear life counting on you all, please don't let them down or all of this will have been for nothing. "Unite" may take us eventually to tribunal as the last resort but this will mean the loss of the entire staff team and will take, at the least, months if not longer! The Council and the Town will become completely dysfunctional as no-one will be able to continue working in these impossible circumstances and the services we provide will literally stop.

I have received messages of support from numerous Clerks, from the [REDACTED] of the Society of Local Council Clerks, from [REDACTED], former president of the Society of Local Council Clerks and from NflkALC County Officer, all are saying the same thing, don't let the bullies win, we are all thinking of you and you are doing the right thing!

Breckland has let us down badly and I have today emailed [REDACTED], [REDACTED] asking for an urgent meeting. Unite are also chasing the key officers down and may pursue a complaint to the local government ombudsman but all this will take time, we need to take immediate action and knock this back.

The staff team are willing to meet with you all before the meeting if you would be agreeable and I have cancelled the Conference I should be attending to be here and am available any time for you and happy to answer any queries you may have.

You have the power in your hands to swing this around by standing together and taking the vote on Thursday, if you decide to crumble it will be at the sacrifice of the entire staff team and I again implore you to do the right thing here.

Remember – **For evil to succeed it only takes good men to do nothing!**

Kind regards

■

5.4 Contact with Cllrs Edward Tyrer and Taila Taylor Prior to Meeting

I cannot find any evidence of an attempt to discuss this matter informally or formally with Cllrs Edward Tyrer or Taila Taylor prior to the first meeting held on 17th February 2020. Nor can I find any attempt to provide them with evidence of the grievances against them, despite several requests from them to ■■■■■ Cllrs Keith Montague, and Tony Crouch. In fact, as is already shown in several emails, attempts were made to withhold information from them.

Shortly before the second meeting held on the 27th February 2020 Nicholas Hancox sent the following email to Cllrs Edward Tyrer and Taila Taylor on the 24th February 2020:

Dear Councillor

I have been asked to contact you about the allegations mentioned in Unite The Union's recent Grievance (lodged with the Town Council on behalf of various employees). It is important that the Town Council hears your point of view and takes account of your response. I am therefore pleased to offer you the opportunity to meet me privately at the Town Hall, so that I can hear and record what you want to say about the Grievance and about the consequent Motion currently before the Full Council.

If you would like to take this opportunity, please will you get in touch as soon as you can by telephone so that we can agree a day and time for the meeting. Given that the Full Council is meeting this Thursday, to discuss the matter, I would like to suggest that we meet on Wednesday 26th February (at a time between 2pm and 7pm, to suit you). If that day is inconvenient for you, we could meet instead tomorrow, Tuesday 25th February at a time (to suit you) between 4pm and 7 pm. As I said, the meeting would be at the Town Hall., whichever day you choose.

With best wishes

Nicholas Hancox

Response from Cllr Edward Tyrer to Nicholas Hancox sent on the 25th February 2020:

Mr. Hancox,

Without Prejudice

Further to your e-mail of 24th February 2020, I would like a few clarifications to be addressed before I formally respond to the intent of your e-mail.

I will add that I have been made aware of a response to you resulting from a similar e-mail to Cllr. Taylor and I fully endorse her questions and request for answers and clarity of the issues she has risen, again before responding.

May I first of all ask, why are you now so "pleased to offer to meet me so that you can hear and record what I want to say about the Grievance and about the consequent Motion before the Full Council." Who has given you this instruction. As Deputy Mayor (as it stands right now, I am surely able to ask such a question, or is this not the case?) Are you asking so that you can pass any comments onto ATC prior to the meeting?

If the Council have asked you to contact me, why was this request not made before the Meeting last Monday, as I understand nothing in the Motion has changed, or is that not the case?

Is this an attempt to respond to the advice and recommendation of Breckland Council?

Are you acting in a capacity of a mediator or not? If so are you independent, and are you a mediator, if the Council have employed you and were ready to act on their behalf last Monday as you will this Thursday? The question is are you acting as a mediator or just there to record my responses prior to the meeting Thursday.

You have offered ridiculous and quite frankly impossible timescales should I wish to meet you. Are you going to say that if these two options are not accepted you will report that the ATC had offered every opportunity to meet and if they have not been accepted (despite possibly being impossible for other commitments) that it ticks a box for the Council to counteract their refusal and ignoring a recommendation and advice from the Monitoring Officer that covers the whole Council on a number of Grievances.

If you are so pleased to offer to meet me, and I cannot make it until been given plenty of notice such as next week, will the meeting be postponed?

Am I able to be accompanied at such a meeting, if I accept, and Thursdays meeting, by my lawyer to also listen and record the meetings and discussions?

Once I am in a position of having the full facts I will then be able to respond to your "opportunity" as I will be able to make a considered and informed decision based on correct information.

For you information I will forward this e-mail to Cllr. Taylor also for information as you have not said your e-mail is confidential to myself only.

I look forward to hearing from you at your earliest opportunity in response to these questions.

Regards,

E. Tyrer

Reply from Nicholas Hancox to Cllr Edward Tyrer sent on the 25th February 2020:

Dear Councillor Tyrer

My instructions in this matter come essentially from the [REDACTED] who is of course working in the best interests of the Town Council as a whole. I was asked to contact you and I have done so. I am throughout advising and acting on behalf of the Town Council. I am not a mediator, nor am I in any way independent of the Council. The timing of my request for a meeting (after the 17 February meeting and before the 27 February one) is not a coincidence. I believe that the Council is seeking (perhaps more resolutely than before) to ensure that you will be able to put your point of view to the other members. One opportunity for a Response was on the 17 February agenda, but I understand that there was at one stage doubt as to whether or not you would actually be able to attend the 17 February meeting. A session with me might remove any lingering doubt that you will have had the opportunity to respond.

None of this is, as I understand it, anything to do with anything Breckland Council has said or done, or not said or not done.

As to our own meeting, if you wish to bring another person with you, I am sure that I can accommodate that. If you wish to bring a lawyer to the Council meeting on 27 February, you or your lawyer will need to ask the Council for permission. As the meeting is presently organised, nobody will be admitted without permission. If you do wish to seek that permission, an early email from your lawyer to the [REDACTED] (with a copy to me) might be the best way forward.

If you and I do not meet before the 27 February meeting, I will advise the Council accordingly. What the members do with that information is up to them. You will at least have had by then more than one opportunity to give your side of the story.

I am copying this email to the [REDACTED]

With best wishes

Nicholas Hancox

Response from Cllr Taila Taylor to Nicholas Hancox sent on the 26th February 2020:

Dear Mr Hancox,

I am concerned not to have had a response to the points I raised in my email of Monday 24th February.

Further I want to raise a concern that I have with regards to your roles in relation to these matters.

Could you please outline for me how you are not subject to a conflict of interest? Presently I have seen you acting in the following roles:

- 1) As the legal representative for the Town Council;
- 2) As the legal representative in support of the eight councillors who are signatories to the motion tomorrow;
- 3) As a legal representative for the staff in respect of the Unite grievance; and
- 4) Acting in the capacity of [REDACTED] of the Council in the absence of [REDACTED] last Monday.

I do not see your acting in each of these capacities being mutually compatible. As such could you outline how you have satisfied yourself that your current conduct in these different roles does not constitute a conflict of interest.

Kind regards, Taila Taylor

Reply from Nicholas Hancox to Cllr Taila Taylor on the 4th March 2020:

Dear Cllr Taylor

I refer to your emails of 24 and 26 February 2020.

I am happy to clarify who it is that my law firm and I are advising and representing:

I am advising, and sometimes representing, Attleborough Town Council, which is a corporate body. Naturally, most of my specific instructions come from the [REDACTED]. If my advice is sought, some of that advice is sent in writing. Sometimes I give oral advice at meetings in the Town Hall. In so far as I represent the Town Council (for example in seeking a meeting with you to discuss recent allegations) then my instructions come from the [REDACTED].

I am not advising or representing any individual councillor(s), nor any group of councillors (except in so far as that councillor or those councillors are part or all of the Town Council's corporate body).

I am not advising or representing any employee of the Town Council.

I am not advising or representing any trade union, nor any other body representing any of the employees of the Town Council.

There is no conflict of interests here.

On the specific question of excluding the press and the public from meetings of the Council, my advice to the Council was and is that the press and the public can be excluded from the whole of a meeting, if that is the best way to ensure that the Council can transact its normal business without interruption. The Common Law permits this, although that Law is not necessarily reflected in the model Standing Orders adopted by the Council.

Yours sincerely

Nicholas Hancox

This response from Nicholas Hancox was received 6 days after the meeting of the 27th February 2020.

5.5 Additional Advice from Nicholas Hancox Prior to Action Taken

The following are a number of emails from Nicholas Hancox to [REDACTED]

Email received on the 11th February 2020:

Here is a revised version of the Agenda, which I have done in Track Changes, so you can see what I am suggesting by way of changes.

Will you please send me another copy of the actual signed Notice of Motion? Thank you.

I need now to add this further advice:

This is clearly a difficult situation for Attleborough Town Council and we need to be prepared for any legal challenges that might arise.

It is possible to argue that a Town Council cannot lawfully remove a vice chairman during his term of office. Section 15 (7) of the Local Government Act 1972 might be said to support that view of the law. Nevertheless, the High Court case of *Manton v Brighton* in 1951 suggests the opposite; that a Town Council can lawfully remove a sitting vice-chairman in mid-term. All I am saying here is that there is a risk of a legal challenge and that the outcome of litigation is never certain. We cannot guarantee that we will win.

The other point of possible legal challenge is as to whether the Councillors proposed for removal from Committees Etc can vote on the Motion. They each have an "interest" in the outcome, but it is not a "Disclosable Pecuniary Interest". The prohibition on Councillors with Interests from voting (found in the Code of Conduct) applies to Disclosable Pecuniary Interests and not to other (lesser) interests. It is my opinion that Cllrs Tryer and Taylor should declare their Personal Interests, but not declare them as Disclosable Pecuniary Interests.

Natural Justice requires that they be allowed to respond to the allegations made against them. But can they vote? My advice to the two individual Councillors would be to abstain from voting, because of the Nolan Principles of Openness etc, but if they do insist on voting, my advice to the Town Council is that their votes must be counted. Again, that decision (to allow them to vote) might possibly be challenged afterwards, but the Council is entitled to rely on my legal advice.

Best wishes, Nick

Email received on the 12th February 2020:

■■■■, ■■■■

Thank you for those helpful copies.

I think we are going to need a short, private pre-meeting with the signatories of the Motion, so that I can explain the need to adapt the Motion to my current legal advice.

I am very sorry that my legal advice has changed slightly. I now think that a “safety-first” attitude is best, whereas before this, I was prepared to recommend an element of risk.

Will a meeting tomorrow or Friday be possible? We can usefully discuss the Press Relations aspects of it, too.

(Unfortunately I am departing now for an appointment in Norwich – and not returning until about 8pm tonight.) But I will pick up emails later tonight.

Best wishes

Nick

Email received on the 14th February 2020:

Dear ■■■■ and ■■■■

I just wanted to touch base with you and ask how things are going at the Town Hall. I imagine things are quite fraught.

I did not hear from Tony Crouch yesterday.

I feel really bad about having had to change my legal advice on the removal of the Vice-Chairman and Deputy Mayor. But I discussed the matter (in the strictest confidence) with my former colleague ■■■■ (the former National Legal Adviser to the SLCC) and she convinced me that there is room for a legal challenge if the Council tries to remove the Vice-Chairman, part of the way through his term of office. There is of course very little in English Law that cannot be argued about, but I had to agree with ■■■■ that there is a real possibility that the High Court would quash any such decision, if the Vice Chairman challenged the Council’s decision in a Judicial Review. The safest way forward is to ‘cease to support the continuation of the Vice Chairman in that Office’ and ‘to ask for his immediate resignation’. This would work as a Vote of No Confidence- and would surely survive any Judicial Review challenge.

It is nevertheless clear in law that councils can (with a good reason) remove named councillors from all committees and working groups. We don’t need to change any of that.

My duty as the Council’s solicitor is to advise the whole council as best I can. So I need to provide this advice to you now (and I may need to provide it again at the meeting on Monday) and I trust that you (as ■■■■ to the Council) will now share it with at least the eight councillors who signed the Motion. My advice to them now is to agree my recommended. Amendments to the Motion before this matter goes to Council.

As you know, Judicial Review is always unwelcome and expensive.

Best wishes

Nick

Email received on the 18th February 2020:

Here are my draft Minutes of last night’s meeting. I have used my own style, but I would understand completely if you were to want to edit the minutes into the Attleborough TC style.

I did hear Cllr T Taylor say at one stage that she had not voted at all in yesterday’s meeting, but by then I had already recorded her as voting against the motion to exclude the Press and the Public.

After the end of the meeting yesterday, a young girl called ■■■■ presented me with what she thought was a Petition and demanded a receipt for it. The ‘petition’ is formed of about 180 loose sheets of A5 paper, each with one signature. The ‘petitioners’ are calling for a public meeting to discuss a no confidence vote in eight members of ATC. The eight are Cllrs Bulmer, Crouch, Montague, Loades, Cousins, Redmond and Busk.

Such a petition has no legal consequences, but it may well be important in terms of local politics. I don’t know how the Council usually handles such petitions (or whether indeed there is a ‘usual’ way of handling them) but I think the Council will need to at least acknowledge formally that the Council has received this petition. Perhaps it merits an item on a future Council agenda? I will post the 180 pages of the petition to ■■■■ at the Town Hall.

Meanwhile, I have (on your Council's behalf) sought Counsel's Opinion on the tricky question of the continuation of yesterday's Meeting. If my initial view is right, the adjourned meeting can be held in private, without any members of the public being allowed in at any stage. My legal theory is that the adjourned meeting is merely the second phase of the SAME meeting. As the Council has already resolved to exclude the public from this (now-interrupted) meeting, they won't need to do it a second time, when it resumes. I will let you know immediately what Counsel advises. I trust you are now finding a date for the adjourned continuation meeting.

Best wishes

Nick

Email received on the 20th February 2020:

Dear [REDACTED]

I am in email discussion with [REDACTED] on the tricky subject of what the Town Council can and ought to do next.

I expect [REDACTED] advice to be finalised by 10 am tomorrow, when we meet at the Town Hall.

Nick

Email received on the 20th February 2020:

Dear [REDACTED]

I am not sure whether or not you will have time to read his before the 10 am meeting tomorrow, but here is the crucial part of the advice which the QC and I have today assembled for your council:

“Whether the new meeting is technically a continuation of the ‘adjourned’ 17 February meeting or a new meeting called after the ‘abandonment’ of the 17 February meeting, the Town Council need not admit the public at the beginning of the new meeting. This is because the Common Law allows the Council to take pre-emptive action to prevent its meeting from being disrupted again. The proper business of the Council must be allowed to proceed. So, the Police can be asked to prevent unwanted members of the public from entering the Town Hall. Our legal advice is that there is no *unfettered* public right to attend the reconvened meeting; the statutory right of public access to meetings is overridden at Common Law by the Council's need to transact the proper business of the Council without undue interruption.”

I will see you tomorrow.

Best wishes

Nick

Email received on the 21st February 2020:

Advice to Attleborough Town Council

From Nicholas Hancox Solicitors Limited

RE: The consequences of the cessation of the Council Meeting on 17 February 2020.

We are in a difficult situation. The Town Council needs to function properly as a Town Council. The Town Council needs to discuss the recent Grievance from Unite the Union and its allegations of bullying by Councillors against employees of the Council. The Town Council needs to discuss those allegations in private, without members of the public being present.

As we all know, when the matter came before the Council on 17 February, sixty members of the public were admitted at the beginning of the meeting. A Resolution was passed under section 1 of the Public Bodies (Admission to Meetings) Act 1960, excluding members of the public from the meeting, but they refused to leave. There was no violence of intimidation. But the Police could not remove the people and the meeting on 17 February was either adjourned or abandoned, after an hour of fruitless negotiation with the crowd of unwelcome visitors.

What can the Town Council do next?

I have discussed the matter with - and taken advice from - [REDACTED], a leading QC. [REDACTED] advice is this:

“I have to say.. that I am doubtful about [The 17 February Meeting]... having been “adjourned”. It seems to me that it may well have been abandoned.

"It would be prudent therefore to cover the position if the resumption were to be regarded as a new meeting. There would be flexibility as to when and where the meeting would be held and the meeting could even change location during the course of it.

"As you say, the problem is, if the public are aware of the resumed meeting, and have to be admitted initially, before a further exclusion resolution can be passed. However, what is required is not so much arrest as physical removal, if not by police by security staff.

"I believe that the answer lies in the common law. I commend to you the case of *R v Brent Health Authority, ex parte Francis* (1985) QB 869, (1985) 1 All ER 74, in which I appeared for the successful authority. The local authority legislation preserves the right of local authorities to exclude members of the public on the grounds of unruly and/or disorderly conduct. This right exists at common law. It was recognized in the Brent case. The reasonable apprehension of such conduct is there because of what has already occurred.

The holding by Forbes J was that the common law enables public bodies to prevent members of the public ENTERING a meeting if the public body has reasonable grounds for believing that they would disrupt the meeting by disorderly conduct and make it impossible for the public body to conduct its business properly. Furthermore, such a power could in urgent cases be exercised by the Chairman of the public body in advance of the meeting, provided it was exercised bona fide, since otherwise the power would be useless.

The advice from the Town Council's lawyers is therefore this:

1. The Council should organise a meeting to finish off the business which the 17 February meeting did not discuss.
2. Whether the new meeting is technically a continuation of the 'adjourned' 17 February meeting or a new meeting called after the 'abandonment' of the 17 February meeting, the Town Council need not admit the public at the beginning of the new meeting. This is because the Common Law allows the Council to take pre-emptive action to prevent its meeting from being disrupted again. The proper business of the Council must be allowed to proceed. So, the Police can be asked to prevent unwanted members of the public from entering the Town Hall. Our legal advice is that there is no unfettered public right to attend the reconvened meeting; the statutory right of public access to meetings is overridden at Common Law by the Council's need to transact the proper business of the Council without undue interruption.
3. There is supportive legal/Latin maxim, quoted by the High Court Judge in the case of *R v Brent health Authority ex parte Francis* (1984): *Quando lex aliquid concedit, concedere videtur id sine quo res ipsa esse non potest : Whoever grants a thing is deemed also to grant that without which the grant itself would be of no effect.*

Written by Nicholas Hancox, Solicitor, with considerable support from [REDACTED]

20.02.2020

Email received on the 25th February 2020:

Dear [REDACTED]

I have examined the Freedom of information Act Request and GDPR Subject Access Request submitted by Cllr Taylor on 19 February (which [REDACTED] forwarded to me on 21 February). My advice is this:

1. It ought not to be necessary for a member of a council to have to request information in this way. A Councillor is entitled at Common Law to see documents held by the Council, in so far as each of those documents is relevant to the Councillor's role within the Council.
2. Despite that, we are where we are, and no doubt Cllr Taylor will want a formal Response to her Requests.
3. **Under the FOI Act**, Cllr Taylor should be given copies of:
 - a. The Grievance from Unite The Union which refers to her and other people.
 - b. My Report to the Full Council
 - c. Most of the emails you have had or sent about the Motion to remove Cllr Taylor (etc) from Committees. BUT you do not need to send her copies of any legal advice I have given to the Council about how to handle this matter.

4. **Under the GDPR**, Cllr Taylor is entitled to know whether (and if so, how) the Council is handling her personal information. So she should be told (or reminded) that her name, address and email address are (of course) published on the Council's website and that there is (of course) a considerable number of emails on the council's computer system which mention her name or are from her or are addressed to her. Under the GDPR you might be able to argue that collecting all of these up and sending them to her might be an excessive burden on the Council, but as she is a Councillor, she will be entitled to see nearly all of them anyway (under the Common Law, not under the GDPR). Either way, you do not need to send her copies of emails that were addressed to her or were sent by her, as long as you tell her that those have been omitted..
5. So, I think you will need to start collecting them up into a bundle.. In weeding any doubtful ones out, you should err on the side of transparency. Nevertheless, if there are any which you think Cllr Taylor ought not to see, please send them to me and I will give you my opinion on each one.
6. This email (the one you are reading now) is confidential legal advice to the Council about Cllr Taylor and it is therefore exempt from the need to show her a copy.

Best wishes

Nick

Email received on the 25th February 2020:

Dear [REDACTED]

I have picked up occasionally over the past few weeks some discussion amongst your Councillors about what power anyone at the Town Hall has to instruct me (a) at all and (b) to do anything particular (such as write to and meet two of your Councillors).

At my end of things, I am perfectly happy to take instructions from you or from the Mayor, because both of you have "ostensible authority" to represent the Council.

But at your end, I am not sure that things are so black-and-white. Members keep talking about Standing Orders and a £5,000 limit. It would be an invidious task for me to advise the Council on the lawfulness of my own instructions, but the purpose of this first part of this email is simply to raise the question with you, so that you will have the answer ready when it comes up at a Council Meeting.

Best wishes

Nick

Email received on the 25th February 2020:

Dear [REDACTED]

Just to confirm, I have 4.30 pm in my diary for a meeting at the Town Hall prior to the 6 pm Full Council meeting. both on Thursday 27 February 2020.

No doubt I shall see you there.

Nick

Nicholas Hancox

Email received on the 25th February 2020:

Dear [REDACTED]

Thank you for your email. My advice is this:

We can only use the “never-admitting-people-to-the-chamber” system (saying on the Agenda, “*Our legal advice is that the press and the public can be excluded from the meeting. This exclusion will be implemented in the light of the experience at the 17 February 2020 Meeting in order to make sure that the Town Council can transact its proper business without interruption*”) if we genuinely anticipate that the public will refuse to leave and thus prevent the council from transacting its proper business. The motion to remove two councillors from committees etc is not on the next agenda, so it is hard to justify never admitting the public.

In a normal meeting, where the public can be expected to behave well and leave the chamber when required to do so, we should use the normal “Exclusion-of-the-press-and-public” wording on the Agenda: (“*To resolve, pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960) to exclude the press and the public from the meeting during [the discussion of Items XX, YY and ZZ on] this Agenda, because publicity would be prejudicial to the public interest (and preferably adding: “because.....”*”

So, somebody has to make a decision as to whether the Council is or is not likely to succeed in removing the public from room. If they are likely to leave, then the normal “Exclusion-of-the-press-and-Public” wording must be used. If they are likely to sit still and refuse to move (again), we can use the “never-admitting-people-to-the-chamber” system instead.

Best wishes

Nick

5.6 Council Meetings – Action Against Councillors

Prior to the agenda being sent to councillors on the 12th February 2020 only the 8 councillors invited to the private meetings had any knowledge of the proposed action against Cllrs Edward Tyrer and Taila Taylor. This raised grave concerns for those councillors excluded from these private meetings or being asked to sign the notice of motion document, as well as significant distress to the two accused councillors. The secretive nature of what happened seemed to confirm the suspicions of these excluded councillors that manoeuvring by the council leadership and [REDACTED] was taking place.

With the release of the agenda to the public, many residents shared these concerns particularly as the governance of the town council was increasingly being criticised by the public.

As a result, a larger than usual crowd attended the council meeting held at the Town Hall on the 17th February 2020, and whilst orderly in their conduct they refused to leave the meeting following a resolution to exclude the press and public and at the request by the police officers present. Cllr Tony Crouch, the then chair of the town council, left the meeting room and there was a period of confusion. Eventually Cllr Vera Dale closed the meeting with the approval of councillors, and everyone left the building without incident.

On the 21st February, the agenda for the reconvened extraordinary full council meeting scheduled for the 27th February 2020 was emailed to councillors.

A statement by the 7 excluded councillors was released on the 26th February 2020 explaining that they would not be attending the meeting and set out their reasons for not doing so.

The town council employed security guards to restrict access to the Town Hall on the evening of the meeting and asked for police officers to be present, as some councillors and staff feared reprisals from residents. A crowd of residents gathered on Queens Square outside the Town Hall, but it was a peaceful protest against the action being taken and was without incident. However, the cost of employing security guards and having a solicitor attend council meetings added to the resentment felt by these residents.

The meeting progressed without issue, albeit without the attendance of the 7 excluded councillors.

It should be noted that the exclusion of these councillors from the private meetings created a significant divide within the town council, and both sides of the council felt aggrieved at these events. In interviews, councillors who signed the motion said they did so in good faith to protect staff members.

5.7 Council Meeting Minutes

The following minutes for the meeting held on the 17th February 2020 were produced by Nicholas Hancox and emailed to [REDACTED] on the 18th February 2020:

Attleborough Town Council

THE MINUTES of a Meeting of Attleborough Town Council held at the Town Hall in Attleborough at 6 pm on Monday 17th February 2020

Present: Councillors Bulmer, Busk, Cousins, Crouch (Town Mayor), Dale, Ellis, Grave, Leslie, Loads, Montague, Redmond, Roper, Taylor Tyrer and Westby

Also present: Nicholas Hancox, the Council's Solicitor, and about sixty members of the public.

The Town Mayor opened the meeting at 6pm in his capacity as Chairman.

Item 1: Apologies.

There were no apologies for absence.

Item 2: Declarations of Interest.

There were no declared pecuniary interests.

Item 3: To Exclude the Press and the Public

Pursuant to section 1 of the Public Bodies (Admission to Meetings) Act 1960, it was PROPOSED and SECONDED that the Council exclude the press and the public from the meeting during consideration of items 4, 5 and 6 because publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

A Recorded Vote was ordered.

There voted in favour of the Motion: Councillors Bulmer, Busk, Cousins, Crouch, Loads, Montague, Redmond, and Roper (i.e eight members voted in favour).

There voted against the Motion: Councillors Dale, Ellis, Grave, Leslie, Taylor and Westby (i.e. six Members voted against).

So, it was RESOLVED: to exclude the press and the public from the meeting during consideration of items 4, 5 and 6, because publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The Town Mayor asked all members of the public to leave, but they all remained in the room. A number of Police Officers were present and a Police Sergeant asked the members of the public to depart, but they still remained.

While the Town Mayor and the Solicitor were discussing the situation with the Police in a foyer, a majority of those Members of the Council still present decided that the Meeting must be adjourned *sine die* (to a day yet to be fixed).

It was RESOLVED accordingly.

The Council Meeting was thus adjourned at 6:55 pm on 17 February 2020, to resume on another day.

The following minutes for the meeting held on the 27th February 2020 were produced by Nicholas Hancox and emailed to [REDACTED] on the 28th February 2020:

Attleborough Town Council

THE MINUTES of a Meeting of Attleborough Town Council held at the Town Hall in Attleborough at 6 pm on Thursday 27 February 2020

Present: Councillors Bulmer, Busk, Cousins, Crouch (Town Mayor), Loades, Montague, Redmond and Roper

Also present: Nicholas Hancox, the Council's Solicitor, and [REDACTED] from Unite the Union.

The Town Mayor opened the meeting at 6pm in his capacity as Chairman.

Item 1: Apologies.

There were no apologies for absence.

Item 2: Declarations of Interest.

There were no declared pecuniary interests.

At this point it was proposed and seconded and unanimously **AGREED** that all votes on items 3 to 6 be taken by means of a paper ballot.

Item 3: A Report by Nicholas Hancox Solicitors Ltd on a Grievance raised by Unite the Union on behalf of several employees of the Town Council.

1. The Solicitor reported that a meeting had been held with Unite the Union to discuss the Grievance; that the members present at that meeting had accepted that bullying and harassment did take place and that they fully understood that the Town Council, as the corporate employer, is responsible for providing a safe and pleasant working environment for all of its employees. The Councillors present at the meeting had reluctantly agreed with Unite the Union that urgent action has to be taken now, to stop the bullying and harassment.
2. The Grievance was now referred to the full council, to do what it can to put matters right.
3. The Chairman referred members to item 4, which was raised in connection with Item 3.

Item 4: Notice of Motion given under Standing Orders

The Council's solicitor asked the Chairman to allow [REDACTED] of Unite to speak on behalf of some Council employees. [REDACTED] spoke of the distress caused to Council employees by bullying and harassment from certain members of the Council.

The Solicitor added that Councillors Taylor and Tyrer has been given the opportunity to put their own points of view either in offered meetings with the Solicitor or in two separate items on today's agenda, but neither councillor had accepted either of those opportunities. The solicitor said that it is clear from social media that both councillors deny the bullying and harassment of staff.

The Council accepted the Solicitor's Report and accepted that this is a problem for the Full Council to resolve.

The Motion was put to the Council and there voted in favour of the Motion: Councillors Bulmer, Busk, Cousins, Crouch, Loades, Montague, Redmond, and Roper (i.e all of the eight members present, voted in favour).

There were no votes against the Motion.

It was therefore RESOLVED:

Because nine 'Code of Conduct' complaints have been sent to the Monitoring Officer at Breckland Council about Councillor Edward Tyrer and Councillor Taila Taylor, being two members of Attleborough Town Council;

And Because those complaints seek to impugn the reputations of Councillor Tyrer and Councillor Taylor,

And Because Unite the Union has complained by way of a formal Grievance to the Council about the behaviour of certain members of Attleborough Town Council towards various employees of the Council;

and Because this Grievance seeks to impugn the reputations of Councillor Tyrer and Councillor Taylor,

THE TOWN COUNCIL NOW RESOLVES:

1. (Pursuant to Standing Order 7 a), to revoke the appointment of Councillor Edward Tyrer as Deputy Mayor of Attleborough for a period of two years;
2. (Pursuant to Standing Order 7 a), to remove Councillor Taila Taylor and Councillor Edward Tyrer from all Committees and Working Groups of the Council for a period of two years;
3. That a new election of a Vice Chairman and Deputy Mayor be held at a future meeting.

There being no further business, the meeting closed at 6.22 pm.

5.8 Email Confirming Action Against Cllrs Edward Tyrer & Taila Taylor

Nicholas Hancox emailed Cllrs Edward Tyrer and Taila Taylor on the 28th February 2020 informing them of the decision taken at the meeting held on the 27th February 2020. Namely they were removed from all committees and Cllr Edward Tyrer was no longer deputy mayor/chair. A copy of the drafts minutes for the meetings was attached for reference.

5.9 Additional Emails Sent to the Town Council in Relation to this Matter

Email sent by Cllr Lucan Grave to [REDACTED] and all councillors on the 18th February 2020:

Good afternoon Councillors and Officers,

Following last night's extraordinary meeting and discovering myself being named (although spelt incorrectly in two ways) in a report [REDACTED], Unites Regional Officer as being involved in behavior that quoted as being "systemic and sustained campaign of bullying and harassment of council staff, including persistent insulting and libellous postings on social media, belittling outbursts in public meetings and face to face verbal attacks (including four language) on staff while carrying out their council duties".

This is the first time I have been made aware that my behavior could be seen in such a way and I am curious as to why this hasn't been brought up to my attention. It has been mentioned various times that the staff are experiencing hostile conditions and bullying etc yet as far as I am concerned no one has actually been named, at least not myself to my knowledge. now the main reason for this email is that [REDACTED] letter states that there is an "extremely large amount of compelling documentary evidence", under the Freedom of Information Act 2000 I request that all evidence; reports, transcripts, emails, screen shots of social media, about myself to support this claim against my behavior be forwarded to myself, and I would suggest that the same is done for Councillors Tyrer and Taylor.

Please could you forward this to [REDACTED] as I could not find his contact details, also I please copy me into the email that is forwarded to [REDACTED].

I expect this request to be carried out as per our standing orders.

Kind Regards

Lucan Khan Grave.

Email sent by Cllr Taila Taylor to [REDACTED] Cllrs Keith Montague and Tony Crouch on the 19th February 2020:

Under the Freedom of Information Act 2000 and in line with my right of access (subject access request), I kindly request a copy of all of the 'compelling documentary evidence' relating to myself. This also relates to any correspondence between any of the following in which I am mentioned or any insinuation about my persons is included: Attleborough Town Council, Cllr Crouch and Cllr Montague, Nicholas Hancox Solicitors and Unite.

Can I please have receipt of this email.

Many thanks

Cllr Taylor

Email sent by Cllr Lucan Grave to [REDACTED] and all councillors on the 19th February 2020:

Good afternoon, thank you forwarding my email to [REDACTED] as requested, although I wanted this more for transparency reasons further than for him to deal with my FOI request, which as the email was addressed to councillors and officers I am expecting yourselves to deal with especially as [REDACTED] has stated he feels queasy about doing so. Could I please have confirmation that my request is being dealt with and that I can expect the documents I have requested within the 20 days? I am happy for them to be paper documents, and I can even collect them as to save on postage, although electronic would be better for the environment

Kind regards

Lucan Khan Grave.

Email sent by Cllr Keith Montague to [REDACTED] and Cllr Tony Crouch on the 24th February 2020:

Hi both

Just a thought. It seems very likely that Taylor and others will insist on evidence.

It would be very helpful if [REDACTED] could answer that one- he can be general rather than disclosing things that he might need later.

Also to enforce the fact that if we don't take serious action it is likely to go to court (sound better than tribunal!!) to decide. HR review will give him amo.

Keep smiling, Kindest regards Keith

Email sent by Cllr Keith Montague to [REDACTED] and Cllr Tony Crouch on the 24th February 2020:

Hi [REDACTED]

we have to stop anyone other than Nick [REDACTED] and Tony to be in charge of the meeting.

Eddie

Now using lack of action by MO against us

I feel that we need to be more assertive and tell people that if this is not sorted it will go to tribunal via Unite. [REDACTED] needs to say this with some strength at the meeting

We have lost the PR battle and need to act now

What right of appeal do these two have? It could well become relevant.

Eddie is desperate to become Mayor and Tail deputy - looks like they could win the battle, despite all our efforts.

Kindest regards Keith

Email sent by Cllr Bill Loades to [REDACTED] and the 8 councillors who signed the motion on the 25th February 2020:

Hi All

Just for information, I bumped into a Breckland D C councillor today who asked me how "last night's off the books meeting went". When told I had not been to a meeting last night he told me that he understood some of us had met to agree our line before Thursday's meeting. It seems it would be unwise to assume that we have any secrets.

I am still of the opinion that the best chance to resolve this satisfactorily lies with the May elections for council posts but will stick with the majority view.

Bill Loades

Email sent by Cllr Philip Leslie to [REDACTED] and all councillors on the 26th February 2020 (the statement referenced in this email is listed in section 6 Public Statements):

Dear Councillors,

In the interest of keeping matters transparent and beyond reproach, please see attached the public statement of the 7 excluded councillors in response to the potentially liable press releases and actions of the Town Council.

It is my fervent hope that this damaging motion be cancelled, which in itself does nothing to address the alleged issues at hand, and we have the good sense to collectively resign. Just consider for a moment the consequences of this proposed action and the hostile environment of the following public meetings, which will further increase the likelihood of such perceptions.

Kind regards,

Philip Leslie

Email sent by Cllr Keith Montague to [REDACTED] on the 28th February 2020:

Hi [REDACTED]

I hope you and staff can now relax a little after last night and take some comfort from the result - lets hope it is the start of a better era!!!!

Do let me have a copy of the press release (presume there is one) when issued.

I am around today if you need anything.

Kindest regards Keith

Email sent by Cllr Keith Montague to [REDACTED] on the 28th February 2020:

Hi [REDACTED]

Thank you very much for the lovely bottle of Chianti but you are naughty. I do appreciate it, and will continue to offer my support.

Kindest regards, Keith

6 Public Statements

6.1 Introduction

A number of public statements were released by both the Town Council and the 7 councillors who did not sign the motion against Cllrs Edward Tyrer and Taila Taylor.

Some of which were considered libellous and inflamed public hostility towards the Town Council which was already increasing at an alarming rate.

It should be noted that public statements released by the Town Council were not circulated to most councillors prior to their release.

The need to deal with publicity as a result of the action against the two councillors was highlighted in an email sent from Nicholas Hancox to [REDACTED] on the 4th February 2020:

This Motion and my Report are both likely to gain considerable publicity if leaked to the Press. Putting my Report on your Agenda will give the 'story' to the Press anyway. The Town Council needs to be ready to deal with the publicity- even for a 'confidential' item.

It should be noted that in an email sent to Cllr Keith Montague on the 8th April 2020, [REDACTED] stated the following:

I did not write all the press releases, Nick wrote first one and the one after that was written by me, Nick, Tony and other Councillors involved.

Additionally, in the Letter Before Claim issued on the 14th May 2020 by Rogers & Norton on behalf of Cllr Taila Taylor it makes reference to the defamatory nature of press statements issued by the town council, and reserves the right to take further legal action against the council:

Please also note that all rights are reserved in relation to defamation and additional claims for damages and costs.

6.2 Town Council Statement – 18th February 2020

Email sent from Nicholas Hancox to Cllr Tony Crouch and [REDACTED] on the 18th February 2020:

Tony

Sorry I missed you on the phone just now. I have drafted the attached Press Release. It just needs the highlighted parts to be filled in, please.

The EDP today clearly shows that they misunderstood the whole event. The headline on page 4 is simply wrong. Nevertheless, we must move on. I have instructed a London barrister to advise me urgently as to whether the Council can now resume the meeting without having to allow the public in at the start. We shall see what the barrister says, but my thought was that the adjourned meeting is legally only the second part of a single meeting, so (if I am right) we could reconvene in private and not need a repeat of last night's failure to eject the public. (The Police last night agreed that they can prevent people coming in, much more easily than they can physically eject anybody.)

Please let me know if the attached Press Release is OK with you and I will Publish it on behalf of the Council

Best wishes

Nick

The following press release was sent to the press by Nicholas Hancox on the 18th February 2020:

Attleborough Town Council

PRESS RELEASE

Issued on 18 February 2020 at 17:25 hrs

For Immediate Release.

Attleborough Town Council was disappointed yesterday evening (17 February 2020) not to be able to debate important Council business.

Despite a resolution lawfully excluding the press and the public from yesterday's meeting (the Council's legal power is in section 1 of the Public Bodies (Admission to Meetings) Act 1960), about sixty members of the public refused to leave the

Council Meeting Room - even when encouraged to do so by a Police Sergeant in uniform. The matter due to be discussed by the Council is connected with a delicate Human Resources issue and it would not have been fair on the Council employees involved to debate such matters in public.

Eventually, the meeting had to be adjourned to another day.

Town Mayor, Tony Crouch, said:

“We have not yet arranged a date for the resumption of this meeting, but I am expecting our meeting to be reconvened within a few weeks.”

****ENDS****

Issued on behalf of Attleborough Town Council by Nicholas Hancox Solicitors Ltd, Reedham, Norfolk

Nicholas Hancox emailed the draft to this press release to [REDACTED] and Cllrs Tony Crouch and Keith Montague on the 7th February 2020:

[REDACTED]
And here is my draft Press Release.

Naturally, the Press will want to make hay with this news. We must not expect them to follow our lead at all.

It would probably be best to avoid any interviews on the matter.

Nick

6.3 Town Council Statement – 21st February 2020

The following press release was sent to the press by [REDACTED] on the 21st February 2020:

PRESS RELEASE

ATTLEBOROUGH TOWN COUNCILLORS TRY TO STAMP OUT BULLYING BEHAVIOUR

Eight members of Attleborough Town Council put forward a motion to remove two of their members from serving on committees because of severe bullying of staff and fellow councillors. Councillors Edward Tyrer and Taila Taylor stand accused of the bullying and the Union “Unite” had put forward a grievance on behalf of the staff team regarding a campaign of harassment, bullying and intimidation.

The eight Councillors, who included the Town Mayor and also the Chairman of the Council’s Personnel Committee, are very much aware of the Town Council’s legal duty to protect Council staff from bullying and harassment. They hoped to pass a resolution at the Council meeting held on 17 February 2020 in an attempt to stop the bullying. This action was taken as a last resort measure following months of inappropriate behaviour towards all staff and many Councillors. However, when the public were requested to leave the meeting to enable Councillors to discuss the matter, supporters of Cllrs Tyrer and Taylor, refused to leave despite the efforts of several uniformed Police. Some of the public chanted and taunted the Police to arrest them.

During the chaos a lit fire was discovered in a waste bin located to the rear of the Town Hall which eventually led to an evacuation of the Town Hall building, although the meeting had already been adjourned at this point.

Cllr Tony Crouch, Mayor of Attleborough, stated he was “extremely saddened” at the actions of the public who attended. “It is quite astonishing in 2020 and, on a week when a high profile celebrity has taken her own life which is linked with online bullying, there are people who turned out to support two bullies! Myself and many of my fellow Councillors have been appalled at the unacceptable behaviour which has gone on and did our best to put a stop to it only to be abused and threatened ourselves.”

The named Councillors have a total of twelve standards complaints made against them to the Monitoring Officer at Breckland District Council who is empowered to uphold the standards and behaviour of the smaller councils in Breckland. At this time, it seems Breckland are reluctant to take any action, despite meetings and requests for help from members of Attleborough Town Council. The Town Council continues to strive to find resolution and is taking legal advice from their Solicitor and also co-operating with the “Unite” representative.

The Town Council will meet again in a private session on Thursday, 27 February 2020 at 6pm to complete the business interrupted on 17 February 2020. Following legal advice, the press and public will not be admitted to this follow-up meeting.

Attleborough Town Council thanks the residents of Attleborough for their co-operation at this difficult time.

In response to this press statement, Cllr Edward Tyrer sent the following email to all councillors and [REDACTED] on the 22nd February 2020:

Dear Councillors,

Please see the press release attached which I will be sending to the EDP this afternoon and posting on Facebook.

This is a response to the press release that Tony Crouch, claiming to represent the Town Council, released last night. I am confident that most of you will have the professional and moral judgement to condemn Tony Crouch's words - specifically his reference to [REDACTED]. Again, he has acted beyond the bounds of reasonable and appropriate behaviour and further disgraced the Councillors who serve Attleborough Town Council and the community.

Sincerely

Cllr. Edward Tyrer

The following is the press release referenced in the above email:

Text for Press Release in response to Tony Crouch's allegations

22 Feb 2020

I have maintained a professional approach in order to allow the correct procedures to be followed to deal with the completely untrue and unfounded allegations against me. However, following the poisonous and libellous Press Release made by Tony Crouch's yesterday (21st February 2020) it is now necessary and appropriate to make the community aware of the truth.

A formal complaint was been made by Attleborough Town Council against myself, and Cllr. Taila Taylor, of alleged bullying. That complaint went through the correct protocols and procedures to the Monitoring Officer at Breckland Council, who is solely responsible for considering all complaints against individual councillors. The Monitoring Officer has clearly stated in writing (e-mail 6th February 2020) that there is no case to answer on this or any other allegations.

Additionally, due to the number of personal complaints made about the running of the Town Council Breckland Council have recommended mediation is undertaken to resolve the many issues. This advice and recommendation has been ignored by the Town Council.

Attleborough Town Council was formally notified of this decision and is fully aware of it. The fact that, despite having received this information, Tony Crouch (the current Mayor) called the meeting of 17 February 2020 shows that he is pursuing a personal campaign of bullying and intimidating councillors and attempting defamation of my personal and professional character, and that of Cllr. Taylor.

Cllr Taylor and myself are effectively whistle blowers on the malpractice of the running of Attleborough Town Council.

The above statement is based on my experience over the last 10 months as Chair of the Attleborough Neighbourhood Plan and as Vice Chair of Attleborough Town Council. As Chairs of committees and as individual councillors, both Cllr Taylor and myself have been trying to fulfil our civic duties wholly in the best interests of the town, including asking questions as appropriate. In each case we have been deliberately obstructed, rudely questioned, challenged, ignored and avoided. Because of our entirely appropriate and professional enquiries, Tony Crouch now seeks to remove us from important council positions so his actions and behaviour cannot be effectively scrutinized.

Normally, the Deputy Mayor is chosen to take over as Mayor of the Town Council each May. The role of Mayor holds the greatest responsibility and authority in all the decision making and processes which run the council, though these should primarily be governed by the "Standing Orders" – the rules of the council. As Deputy Mayor, I have tried repeatedly to ensure these rules are followed. However, the timing of the accusations against myself and Cllr Taylor – who would clearly make a very good candidate for Mayor herself – indicates the urgency with which Tony Crouch wants to remove me from a position with this potential.

My actions over some 10 years serving Attleborough as a member of the Town Council have been entirely for the improvement of the town. I would like to continue this and deal with the many outstanding problems in our community that the council has the ability to influence. However, in the interests of resolving the current crisis of leadership I have proposed that the whole council should be dissolved through their unanimous resignation. I believe that this is the most positive and democratic way forward. In the meantime, I am always ready to answer questions from the community about my role as a councillor.

Cllr. Edward Tyrer

In response to town council press statement, Cllr Taila Taylor sent the following email Cllr Tony Crouch on the 2nd March 2020 (Cllr Tony Crouch forwarded this to [REDACTED] on the 8th March 2020):

Dear Tony,

You issued a press release from Attleborough Town Council on 21 February 2020.

As you will have known when you published the press release to the world at large, that document contained material that is defamatory of me.

The purpose of this letter is to give you notice that I intend to bring proceedings against you for defamation and have instructed my solicitor.

I would be obliged to have your undertaking that you will not further publish the defamatory material, whether by re-publication of the press release or otherwise, pending trial.

Please let me know if you propose to nominate solicitors to accept service on your behalf.

Kind regards

Taila Taylor

Email sent by Breckland Cllr Tristan Ashby to [REDACTED] on the 3rd March 2020:

Hi [REDACTED]

Good to talk to you today, as discussed I referred to a press release from the town council (dated 21 Feb) that was released before the meeting on 27 February 2020 in which the Mayor and Personnel Committee Chair had already found Cllrs Taylor and Tyrer guilty before they even had the chance to defend themselves (at the meeting on 27 Feb).

That is not due-process, it's pre-determined and therefore unfair. How your solicitor thinks otherwise is beyond me. As I said today, my concern is and always has been that due-process HAS to be followed in every situation.

Kind regards

Tristan

6.4 Statement by 7 Councillors – 25th February 2020

Email from Cllr Philip Leslie to all councillors (and forwarded to [REDACTED] by Cllr Keith Montague) sent on the 25th February 2020 (this statement was also posted on social media and forwarded to the press):

Dear Councillors,

In the interest of keeping matters transparent and beyond reproach, please see attached the public statement of the 7 excluded councillors in response to the potentially liable press releases and actions of the Town Council.

It is my fervent hope that this damaging motion be cancelled, which in itself does nothing to address the alleged issues at hand, and we have the good sense to collectively resign. Just consider for a moment the consequences of this proposed action and the hostile environment of the following public meetings, which will further increase the likelihood of such perceptions.

Kind regards,

Philip Leslie

The following is the public statement referenced in the email above:

STATEMENT BY SEVEN MEMBERS OF ATTLEBOROUGH TOWN COUNCIL

There have been a number of statements published in recent days written by or on behalf of the Mayor of Attleborough Town Council (ATC) that have purported to represent the views of ATC as a whole in connection with allegations of bullying and harassment directed at Cllrs. Tyrer and Taylor.

We the undersigned let it be known unequivocally that these views do not represent the opinion of ATC as a whole, but rather that of a select few Members, including the Mayor, who have previously unilaterally signed a motion alleging the said bullying and harassment. It is this action which has given rise to the current turmoil within the Council.

We are deeply concerned that the allegations, which by their very nature are of a confidential nature, have been brought into the public domain by way of the recent public releases of biased information, whilst those same Members of the Council have attempted to exclude the public from recent and forthcoming Council meetings on the grounds that the business to be conducted is confidential.

Due process has not been followed. The allegations have not been in any way shape or form proven, nor properly investigated and have furthermore been discounted by the Monitoring Officer at Breckland Council, to whom they were reported. This latter adjudication was presented to ATC by Breckland Council together with a suggestion that the whole Town Council be subject to mediation. This was proposed in an attempt to allow it to resolve its differences and general dysfunctionality and return it to being a cohesive unit.

We are aware, however, that the protagonists at ATC have declined to take up this offer and instead opted to pursue a vendetta against the two accused Councillors regardless of fact, culminating in the calling of the Extraordinary General Meeting of Monday 17 February.

We collectively have no doubt that the allegations levied against Cllrs Tyrer and Taylor are spurious and malicious in nature and not based on fact. No evidence was presented to us, either prior to or during this meeting, to corroborate any of the accusations made. Neither 'accused' has been given the opportunity to present a defence against the allegations.

The Mayor and certain other Councillors have instead decided to agree with the complaint by persons unknown to us and pursue summary justice. We, as the remaining Members of ATC, were then expected to pass judgement on their alleged conduct which we find wholly unacceptable, especially as those pursuing the motion were in the majority and therefore the whole matter could be seen as a foregone conclusion.

The whole episode is indicative of the devious and underhand manner which this matter is being dealt with by those pursuing the allegations and worryingly symptomatic of the systemic maladministration of ATC.

As the allegations are entirely unproven and rejected by the two Councillors involved, they are, having made it into the public domain, considered defamatory and as such reflect detrimentally on both their personal and professional lives. We suggest that those Councillors perpetrating these allegations should consider their position very carefully as they are leaving themselves exposed to counteraction, both personally and vicariously.

This whole debacle has led to the formation of two disparate factions within ATC and regrettably we concede that there is now little likelihood of an amicable return from this and little prospect of the current ATC continuing to function in a satisfactory manner in the future. Notwithstanding the success or otherwise of the campaign against Cllrs Tyrer and Taylor, they will remain Councillors since as elected Members they cannot be unseated, therefore any perceived issue will not in practice be resolved.

We therefore see no option, not least for the good of the town of Attleborough, for ATC to be disbanded and re-elected with a clear public mandate. Constitutionally, this can only be effected by the collective resignation of ALL members of ATC. We are content to follow this path provided all of our colleagues have courage in their convictions and are prepared to do likewise.

At this time, we fail to see how any other course of action is in the public interest or for the good of Attleborough.

Signed:

Cllr. Edward Tyrer

Cllr. Taila Taylor

Cllr. Lucan Grave

Cllr. Andrew Westby

Cllr. Philip Leslie

Cllr. Vera Dale

Cllr. Joe Ellis

█ response to Cllr Keith Montagues query sent on the 26th February 2020:

Hi Keith

As discussed, no libel or slander as the truth is the defence for this. Also there is something in local government law which states you are covered as long as you "act in good faith".

We have checked the insurance schedule and you are all covered, [REDACTED] is sending to you. Hold firm you have the majority!

Jo Walmsley has confirmed the police will be here controlling outside and we are upping the number of doormen. Have sent the statement of the 7 to Nick and will let you know his thoughts, seems very inaccurate to me.

Be here by 9 tomorrow if you need me and will touch base asap. Please express the staff team's thanks to all your supporters.

Kind regards [REDACTED]

6.5 Statement by 7 Councillors – 27th February 2020

The following statement was posted on social media and forwarded to the press on the 27th February 2020:

FURTHER STATEMENT BY SEVEN MEMBERS OF ATTLEBOROUGH TOWN COUNCIL

As has been publicised, an Extraordinary General Meeting of Attleborough Town Council has been re-convened for this evening, commencing at 6:00pm at the Town Hall, from which the public and press are excluded. The purpose of this meeting is again to remove Cllrs Taylor and Tyrer from positions held within the Council structure on account of alleged act of bullying, none of which have been proven.

We categorically see no justification for this action, nor the public's exclusion and equally the heavy-handed security operation that has been instigated to uphold the Council's actions, noting that we seven have not been consulted on this in any way.

After a great deal of consideration and discussion by all of us named below, we have unanimously decided not to attend the above meeting. We feel that by attending the meeting we would be legitimising it and condoning the actions of our colleagues, neither of which is remotely the case.

We are unbelievably grateful for the support that has been provided by the many members of the Attleborough community over the past few days since this debacle began and hope they understand our reasoning.

Please be assured that this matter is far from over and we will continue to pursue justice for Cllrs Taylor and Tyrer in recognition of their tireless efforts in working to improve the town, an example which we all seek to follow. We will also continue our efforts towards the disbanding of the current Town Council structure with the support of the public and the election of a Town Council with a clear public mandate, working solely for the benefit of Attleborough.

We would like to maintain dignity and the moral high ground in this matter and ask that those supporting us do likewise in any protestations.

Statement prepared on behalf of:

Cllr. Edward Tyrer

Cllr. Taila Taylor

Cllr. Lucan Grave

Cllr. Andrew Westby

Cllr. Philip Leslie

Cllr. Vera Dale

Cllr. Joe Ellis

6.6 Town Council Statement – 28th February 2020

Email sent by [REDACTED] to Nicholas Hancox on the 27th February 2020:

Hi Nick

Can you look at this press release I want to post ahead of tonight's meeting and advise asap -

IMPORTANT PUBLIC NOTICE AHEAD OF TONIGHT'S EXTRAORDINARY COUNCIL MEETING

Attleborough Town Council has taken advice from their own Solicitor and a QC and it has been confirmed they have the right to exclude the Press and Public from this meeting. In certain circumstances Common Law overrides the statute.

Whilst there has been much debate both in the press and social media for the sake of accuracy the purpose of the meeting tonight is to consider a grievance from the Union "Unite" who are representing staff who work for Attleborough Town Council. The grievance relates to bullying and harassment of staff which is illegal and must be addressed and staff do have a right to privacy.

Staff are not Councillors, they have no vote and are simply trying to do their jobs for the Council and the good of the Community. Attleborough Town Council as the employers have to abide by Employment Law which is separate to Local Government Law.

Attleborough Town Council would ask for co-operation at this very difficult time.

Thanks

[REDACTED]
The following press release was forwarded to the press by [REDACTED] on the 27th February 2020:

IMPORTANT PUBLIC NOTICE AHEAD OF TONIGHT'S EXTRAORDINARY COUNCIL MEETING – 27 FEBRUARY 2020

Attleborough Town Council has taken advice from their own Solicitor and a Barrister and it has been confirmed they have the right to exclude the Press and Public from this meeting. In certain circumstances Common Law overrides the statute.

Whilst there has been much debate both in the press and social media, for the sake of accuracy, the purpose of the meeting tonight is to consider a grievance from the Union "Unite" who are representing staff who work for Attleborough Town Council. The grievance relates to bullying and harassment of staff which is illegal and must be addressed and staff do have a right to privacy.

Staff are not Councillors, they have no vote and are simply trying to do their jobs for the Council and the good of the Community. Attleborough Town Council as the employers have to abide by Employment Law which is separate to Local Government Law.

Attleborough Town Council would ask for co-operation at this very difficult time.

6.7 Town Council Statement – 28th February 2020

Email sent by [REDACTED] to Nicholas Hancox on the 28th February 2020:

Please see attached press release, please advise any amendments or inaccuracies as obviously I was not there last night and do not yet have the minutes.

Did they discuss the suggested mediation or make any decision on this or did they stick to the script?? Many thanks if you can send back asap as everyone is chasing me.

Ginz

Email sent from [REDACTED] (Unite the Union) to [REDACTED] on the 28th February 2020:

Hi [REDACTED]

My feeling is that we should perhaps not put it out because it names the councillors. Hopefully the issue will now start to die a death so let's try not to give them any excuse to argue that we're antagonising them.

With regard to the FB stuff I will have a word with our legal people and perhaps we will send a cease and desist letter. Can you send some examples please.

We have just put out a press release which I am confident will have a positive effect.

[REDACTED]

The following press release was forwarded to the press by [REDACTED] on the 28th February 2020:

PRESS RELEASE – 28 February 2020

Attleborough Town Council met last night, 27 February 2020, to consider the outstanding items from their meeting of 17 February 2020 which had previously been adjourned as members of the public refused to leave when requested. In liaison with the local Police team, uniformed officers were present outside of the Town Hall and security door men were placed on both entrances to ensure the meeting could go ahead. The exclusion of the press and public was necessary as the items for discussion related to staff members and therefore could not be heard in public.

Two items were considered; a report from Nicholas Hancox, Solicitor, in relation to a grievance presented by the Union “Unite”. The grievance was submitted on behalf of the staff team, who are employed by Attleborough Town Council, and related to severe bullying and harassment. Two Councillors in particular were identified as the main protagonists, Cllr Edward Tyrer, Deputy Mayor, and Cllr Taila Taylor, who is also a Breckland District Councillor.

The two Councillors also have twelve Standards Complaints lodged against them with Breckland District Council Monitoring Officer who has now suggested mediation between the Councillors. Anna Graves, [REDACTED] of Breckland Council confirmed yesterday via email, “This is not an alternative to or substitute for ATC’s employment/grievance processes.....I have every confidence that this matter is being dealt with in the most appropriate way”

Cllr Tyrer and Cllr Taylor did not make any formal response to the allegations against them, despite an offer from Mr Hancox to meet them individually, there were also two points in the agenda which were included specifically for their responses but none were forthcoming. The two Councillors chose not to attend the meeting but offered no apologies for their absence. The meeting proceeded without them and the Councillors resolved to uphold the grievance from “Unite”, who confirmed there was a vast quantity of evidence of the bullying behaviour, additionally the report from the Solicitor was accepted.

Following this, there was a final resolution made as below:

1. To revoke the appointment of Councillor Edward Tyrer as Vice Chairman and Deputy Mayor of Attleborough for a period of two years;
2. To remove Councillor Taila Taylor and Cllr Edward Tyrer from all Committees and Working Groups of the Council for a period of two years;
3. That Councillor Taila Taylor and Councillor Edward Tyrer cannot become Vice Chairman or Mayor for a period of two years.
4. That a new election of Vice Chairman and Deputy Mayor be held at a later date.”

Attleborough Town Mayor, Tony Crouch, said, “It’s a shame it had to get to this point but the bullying of staff was so bad staff were going off sick and there was a real worry the Council would soon be unable to function. By reducing the Councillors’ duties it was felt it would reduce the risk to our staff and the real possibility of legal action against the Council. We are hoping things can now return to normal and everyone can get on with their jobs and serving the Community. I would like to personally thank Police Inspector [REDACTED] and her Officers for their fantastic help and support during this awful time and also the residents of Attleborough for their patience”

6.8 Town Council Statement – 3rd March 2020

The following is a draft press release produced by [REDACTED] on the 3rd March 2020:

Attleborough Town Council attempted a return to normal business last night at their monthly meeting. This follows recent disruption at its' last two meetings where bullying of staff was considered and a grievance submitted by Unite union.

After the initial items two members of the public objected to not having an opportunity for them to speak during the meeting. Cllr Taylor, recently removed from her committee duties because of bullying of staff, also objected. The Chairman requested order to continue with the meeting. This was met with jeering and heckling from the public numbering approximately 30.

The Chairman then adjourned the meeting and both Councillors and public were requested to leave the Town Hall. However, a number refused to go despite being advised the Police would be called.

Cllr Tyrer, the other Councillor also removed from Committees and as Deputy Mayor because of bullying, advised those in attendance to remain in their seats. There was an attempt by those refusing to go to continue with their own agenda despite the lawful adjournment of the council meeting.

Police Officers were once again called to Attleborough Town Hall and on arrival dispersed those who had by this time drifted onto Queens square.

Whilst the Town Council has no wish to stop its' residents from participating and raising genuine concerns there is a need for Council business to be lawfully transacted. Decisions must be made during Council meetings and must therefore be allowed to proceed. The adjourned meeting will again need to be reconvened in liaison with the local Police and the Council's Solicitor.

Attleborough Town Council would ask for cooperation from all to enable services to function and avoid further costs both to the council and the local Police.

The Town Mayor said, "Unfortunately what this is all about is being lost with the misinformation around. People must understand this situation has been created because of Councillors bullying and harassing our staff. Those turning out to support the Councillors doing this need to consider what they are doing, surely everyone has the right to feel safe when they are doing their job. The majority of Councillors are keen to put an end to this and move on."

The following press release was sent to the press by [REDACTED] on the 3rd March 2020:

ATTLEBOROUGH TOWN COUNCIL MEETING AGAIN DISRUPTED BY HECKLING AMIDST BULLYING ROW

Attleborough Town Council attempted a return to normal business last night at their monthly meeting only to be thwarted again. The initial meeting which sparked the current controversy was to consider a grievance submitted by "Unite" Union and related to severe bullying of staff. There was a legal requirement to exclude the press and public from the part of the meeting where staff matters were discussed. This meeting was disrupted as supporters of the two Councillors involved refused to leave despite the requests of uniformed Police. The reconvened meeting had to be held behind closed doors so it could proceed and Police advice was taken and security doormen placed at entrances. At this meeting, the grievance was upheld and two Councillors were removed from Committee duties in an attempt to curb further bullying and intimidation of the Council staff members.

At last night's meeting the public were given full access to the meeting as there were no confidential items to consider and general items of business were on the agenda. Regrettably, after the initial items, two members of the public objected to not having an opportunity to speak during the meeting. Cllr Taylor, recently removed from her committee duties because of her bullying of staff, also objected. The Chairman advised there was no public participation item listed on the agenda because of recent disruption and called for order so the meeting could continue. This was met with jeering and heckling from the public numbering approximately 30. The Chairman asked for this to cease and then gave a warning the meeting would be adjourned if they continued with the disruption, however, his request was ignored. The Chairman then adjourned the meeting and both Councillors and public were requested to leave the Town Hall. A number of public and some Town Councillors refused to go despite the Chairman's direction and advice the Police would be called.

Cllr Tyrer, the other Councillor now removed from Committees and as Deputy Mayor because of his bullying behaviour, requested those in attendance to remain in their seats. There was an attempt by those refusing to leave, including the two Councillors, to continue with their own agenda despite the lawful adjournment of the council meeting.



Cllr Taylor

Cllr Tyrer

Police Officers once again arrived at Attleborough Town Hall and dispersed those who had by this time drifted onto the adjacent Queens Square.

Whilst the Town Council has no wish to stop its' residents from participating and raising genuine concerns there is a need for Council business to be lawfully transacted. Decisions must be made during Council meetings which enable the Council to function and must therefore be allowed to proceed. Public participation is not a given right at Council meetings, however, the Chairman wished to stress he has the discretion to invite members of the public to speak and stated "I fully intended to allow the public to speak if the meeting was orderly but we never got that far". The adjourned meeting will again need to be reconvened in liaison with the local Police and the Council's Solicitor.

Attleborough Town Council would ask for cooperation from all to enable services to function and avoid further costs both to the council and the local Police. Attleborough Town Council is a legally constructed Council and its' Councillors are still in the first year of a 4-year term. Whilst there have been calls for resignations and another election by Cllr Taylor and her supporters, the real cost to the public to do this would be approximately £10,000.

The Town Mayor said, "Unfortunately what this is all about is being lost with the misinformation around. People must understand this situation has been created because of Councillors bullying and harassing our staff. It is not about process within the Council, we have a duty to protect our staff from this toxic situation. Those turning out to support the two Councillors at the centre of this do need to consider what they are doing. Surely everyone has the right to feel safe when they are doing their job.

The majority of Councillors are keen to put an end to this and move on."

In a week when there is a national outcry regarding alleged bullying by Home Secretary, Priti Patel, rural market town Attleborough find themselves in the midst of a comparable situation. The staff team at Attleborough Town Council called in "Unite" Union as a last resort because working conditions had become intolerable for them and attempts by other Councillors to make improvements had failed. The current scenario in which Sir Philip Rutnam, the Home Office's most senior official, has resigned and intends claiming constructive dismissal highlights a similar risk to the Town Council. If staff members are bullied to the point of resignation and pursue constructive dismissal claims it will have a huge financial impact on the Council and precept money will be depleted. Loss of staff will cause severe disruption to Council services and effect the Town and its' residents. Attleborough Town Council wishes to resume regular business serving the community and progressing current projects as soon as possible and calls for calm and common sense.

██████████ requested the following in an email to ██████████ of BBC Look East sent on the 3rd March 2020:

Hello ██████████

Further press release, the saga is continuing here, the Mayor and some members would be happy to meet with you again. It does seem to be mirroring the Priti Patel case not sure if you can start to link the two?

Kind regards

██████████

Email sent by Cllr Beverley Bulmer to Cllr Tony Crouch and ██████████ on the 3rd March 2020:

Hi Tony and ██████████

Further to our conversation (Tony) here are a few reminders - perhaps you can explain further to ██████████

We were talking about releasing information that explains a few things - not in a justification way but objective information

There are probably more things to address but going on the concerns that keep coming up from 'the public' perhaps we could look to answer some of them

Firstly we need to bring to the fore where this all started , which was an attempt to correct bad behaviour - not an argument about protocol etc this has come in and has had the effect of clouding the original points.

there is probably more but a start could be

Few facts to share

- No public participation at meetings - explain why
- If public are to be excluded - explain why
- Why evidence about bullying is not shared publicly due to possible court proceedings etc
- If staff are called out by the Union for constructive dismissal - precept money will be depleted - no fault of staff - Unions call (not a good use of tax payers money - not worded like that though:-))

Could we add to this and although we probably don't need to it would perhaps make us appear less dictatorial in how we are trying to move forward - a friend stayed after we had left last night and said they are trying to organise a public meeting at Connaught Hall and offers that from his point an explanation would be supportive - great to have a new perspective on this as we have seen it for so long we may find it hard to approach without bias.

Anyway - I'm out and about most of the day but see how it goes today:-))

warm regards, Beverley

6.9 Additional Emails in Relation to Public Statements

Email from [REDACTED] of Archant sent to [REDACTED] on the 12th February 2020:

Hi there

Following our phone conversation, I thought it might be useful to drop you an email.

I'm writing an article today about Monday's meeting, focused on item 6, considering if two councillors should be removed from their roles.

If possible, could you please confirm the following:

- Which councillors could be removed
- Who supported this motion
- Which roles could they be removed from
- Why is this being considered

I notice that the public and press could be excluded from this section of the meeting.

Has a public interest test been carried out? If so, could you please outline the findings.

If not, could you please provide justification for the exclusion of the public.

Thanks for your help

[REDACTED]
This email was forward by to Nicholas Hancox who sent the following response to [REDACTED] and [REDACTED] on the 12th February 2020:

This is getting very difficult.

I would suggest the following response to the EDP:

“Dealing first with the proposed exclusion of the press and the public, the view we have taken is that the grievance raised by Unite the Union deals with important aspects of the working lives of some of the Council’s employees. It is not in the public interest for these people’s names to be in the public domain in this connection and our expectation is that the Council will want to discuss the grievance in private. In the words of the 1960 Act, “publicity would be prejudicial to the public interest”. That prejudice to the public interest will amply justify the exclusion of the press and the public from this confidential discussion of a staff grievance.

The motion seeking ‘the removal of two councillors from positions held within the council structure’ is also one which cannot be debated fully, without discussing the reasons for the proposed removals and our understanding is that Councillors will want to discuss (amongst other aspects of the matter) some personal issues relating to members of staff and their working lives. Again, “publicity would be prejudicial to the public interest”. That prejudice to the public interest will amply justify the exclusion of the press and the public from this confidential discussion.

The motion was signed by the following eight councillors: [insert very carefully a list of the 8]

The two Councillors whose roles might be altered by the motion are Councillor E Tyrer and Councillor A Taylor. The proposal is to remove them from all committees and working groups of the Town Council. There is no question of their ceasing to be full members of Attleborough Town Council.

A Press Release will be issued after the meeting, recording the outcome.”

[REDACTED], I think you should tell the ten members involved what you propose to say, before sending your email to the Press, so that the ten members involved can be ready for the inevitable follow-up questions from the EDP. It will probably help if we give some early guidance to the ten members as to what they might say to the Press.

On the question of removing the Vice Chairman from the Vice-Chairmanship, I want to refer you back to my email of yesterday, in which I said:

“This is clearly a difficult situation for Attleborough Town Council and we need to be prepared for any legal challenges that might arise.

“It is possible to argue that a Town Council cannot lawfully remove a vice chairman during his term of office. Section 15 (7) of the Local Government Act 1972 might be said to support that view of the law. Nevertheless, the High Court case of Manton v Brighton in 1951 suggests the opposite; that a Town Council can lawfully remove a sitting vice-chairman in mid-term. All I am saying here is that there is a risk of a legal challenge and that the outcome of litigation is never certain. We cannot guarantee that we will win.”

There is a way of making sure that what we propose is lawful and that is to amend the Motion so that it reads as follows (with the changes highlighted in yellow):

MOTION:

Because nine ‘Code of Conduct’ complaints have been sent to the Monitoring Officer at Breckland Council about Councillor Edward Tyrer and Councillor Taila Taylor, being two members of Attleborough Town Council; And Because those complaints seek to impugn the reputations of Councillor Tyrer and Councillor Taylor, And Because Unite the Union has complained by way of a formal Grievance to the Council about the behaviour of certain members of Attleborough Town Council towards various employees of the Council; and Because this Grievance seeks to impugn the reputations of Councillor Tyrer and Councillor Taylor,

THE TOWN COUNCIL NOW RESOLVES AS FOLLOWS:

(Pursuant to Standing Oder 7 a), to reverse our support for the appointment of Councillor Edward Tyrer as Deputy Mayor of Attleborough and to demand his immediate resignation from the Vice- Chairmanship; (Pursuant to Standing Oder 7 a), to remove Councillors Edward Tyrer and Taila Taylor from all Committees and Working Groups of the Council; That a new election of a Vice Chairman and Deputy Mayor be held at the next Annual meeting; and That Councillors Edward Tyrer and Taila Taylor be reinstated onto the Committees and Working Groups from which they are now removed IF AND WHEN the Monitoring Officer at Breckland Council rejects the nine Complaints recently made about them (so that their removal is until then only a suspension)

- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)
- Signed (print name of Councillor:)

I would recommend that an Amendment be tabled along those lines. I can draft the amendment, if you send me a scan of the signed Notice of Motion. I think an early meeting with Keith and Tony will be needed. Could you organise that please? I am available all day on Thursday 13th Feb or at any time on Friday 14th Feb. And if we go ahead with this, the other six signatories of the Motion will need to be told about the proposed amendment. Will they want a meeting, too?

Nick

In an effort to help diffuse the escalating hostilities, a meeting was held on the 8th March. The following attending this meeting: Cllr Beverley Bulmer, Cllr Tony Crouch, Cllr Taila Taylor, Cllr Edward Tyrer, District Cllr Tristan Ashby, NCC Cllr Rhodri Oliver, and [REDACTED] from Unite the Union. [REDACTED] was invited to attend but could not do so due to a prior arrangement. Following this meeting, Cllr Beverley Bulmer emailed a summary with action points to attendants and [REDACTED] on the 8th March:

Dear All

By way of beginning to build trust and for transparency I felt to email as I am unable to call or come into the office in the morning and on the understanding that Tony is having trouble with his emails

After meeting this evening with all whom are listed above and also [REDACTED], (not included as I don't have his email) it was discussed that as a way forward and in order to attempt to remove heat from this inferno we find ourselves in, it was mutually agreed that the press releases from 21st February onwards on the Council website be removed and like wise there would be an attempt to where possible remove and or not comment further on other facebook posts in a defamatory way towards the council, staff and members by anyone present in the room (not saying this has happened - just trying to clarify our conversation but without holding a gun to anyones head here)
Also Tony will be coming into the office with the view of adding an emergency item to the agenda for us as a council to discuss that we potentially take steps towards mediation - just agreeing at this point that we are open to this and defining the details at a later meeting - no need to exclude public for this to be discussed as it is just a start point and the brief and scope is to be discussed further at a later date if all agree this to be a way forward.
Hope that covers all of it but if anyone feels to add more, or correct me please do so.

warm regards
Beverley

Email sent from [REDACTED] to Cllrs Tony Crouch and Beverley Bulmer on the 10th March 2020:

Hi Beverley and Tony

Just for your info, the press releases were replaced on the website yesterday with Jacqui's event poster for today. I checked when I went home after the meeting and definitely done!

Regrettably there is much again on social media this morning, Tristan started it off with a post about the cost of the Solicitor but he and Taila continue to post throughout. We have the print offs here in the office, I will be speaking to [REDACTED] asap today.

I was very disappointed at Eddie's behaviour towards me in the meeting last night and Taila's comment regarding the office staff having "fingers in the pie". I did not feel anything at all had changed although the crowd were better behaved which I feel this only illustrates how much they are led by others!

Please have a good break Beverley and take some time away from all this.

Kind regards

[REDACTED]

7 Parish Meeting

7.1 Introduction

The public fallout from the action taken against Cllrs Edward Tyrer and Taila Taylor, together with the conduct of town council meetings and the inflammatory town council press releases, had the opposite effect than the one hoped for by those supporting the motion.

Actions taken by the town council seemed to plunge the town council into a far worse crisis and only deepened internal divisions, exposing staff members and the 8 councillors who signed the motion and the [REDACTED] to even more hostility than ever before, especially [REDACTED] and Cllr Tony Crouch. From correspondence between the main parties who instigated this action, very little consideration was given to the potential consequence of such action. This may have been a result of their feeling it was only a small vocal minority of residents who were acting against the town council, often referring to them as a mob who they believed were being directed by councillors opposed to them. This simply was not the case and this miscalculation completely underestimated the significant public outcry that resulted over what they considered to be a gross injustice and what they considered to be an inappropriate use of public money, which brought the town council into disrepute.

In response to a public call for councillors to resign, District Cllr Tristan Ashby started an online petition posted on change.org. The following description is posted on the petition:

[Attleborough Town Council no longer functions in a way that serves the people of Attleborough. The discord and mismanagement cannot be allowed to continue.](#)

[We therefore call for all 15 town councillors to resign to allow for new elections so that Attleborough residents can choose the way forward for the town. New elections will allow for current town councillors to stand for re-election \(if they choose to\) but more importantly provide an opportunity for other local residents to put themselves forward for office.](#)

[Of the current 15 town councillors, only 6 have been elected by the public, new elections will provide a meaningful mandate from the electorate of Attleborough.](#)

Over 700 residents signed this petition by the 3rd March 2020, when the public meeting agenda was published, and well over 800 by the date of the meeting.

District and county councillors responsible for Attleborough attempted to address this public outcry by allowing residents an opportunity to air their concerns, open a dialogue, answer questions, and seek resolution in a public meeting.

7.2 Notice of Parish Meeting

Email from District Cllr Tristan Ashby sent to all councillors and [REDACTED] on the 3rd March 2020:

[Dear Town Councillors](#)

[Please find attached a notice of a Parish Meeting to be held on 12 March 2020 at Connaught Hall commencing at 7pm. The paperwork has been submitted to the \[REDACTED\] earlier this afternoon.](#)

[You are duly invited as town councillors and the Mayor is invited to Chair the meeting. I would be grateful if you would confirm your attendance.](#)

[Agenda to follow.](#)

[Kind regards](#)

[Tristan](#)

The following agenda was sent to councillors on the 3rd March 2020:

[TO ALL ELECTORS OF ATTLEBOROUGH](#)

[YOU ARE INVITED TO THE](#)

[PARISH MEETING](#)

[TO BE HELD AT THE CONNAUGHT HALL, STATION ROAD ON THURSDAY, 12 MARCH 2020](#)

THE MEETING WILL START AT 7.00 PM

AGENDA

1. Welcome by the Chair
2. Guest Speakers
3. Open Forum
4. Parish Polls

The Parish Meeting may, by law, discuss all town affairs and pass resolutions about them. Only those on the electoral roll may vote on resolutions.

RESIDENTS ARE WELCOME TO ATTEND MAXIMUM TIME OF MEETING TWO HOURS

Email from District Cllr Tristan Ashby to [REDACTED] sent on the 4th March 2020:

Good morning [REDACTED] and Team

I would be most grateful if you would publish the notice of the **Parish Meeting** (attached) via the TC noticeboards today and confirm when this has been actioned.

Kind regards

Tristan

7.3 Response to Notice of Parish Meeting

Following the reception of District Cllr Tristan Ashby's email notice of a parish meeting on the 3rd March 2020, [REDACTED] forward his email to Nicholas Hancox on the 3rd March 2020 with the following comment:

Hi Nick

Please see below and attached and advise urgently. If you need to consult your QC please do

Many thanks, catch up tomorrow please

Kind regards

[REDACTED]
Nicolas Hancox replied with the following advice on the 4th March 2020:

Dear [REDACTED]

I tried to phone you but your office phone system's "office is closed" message intervened.

I think you may need to convene a meeting of the Town Council, to discuss this (no doubt unwelcome) proposed Annual Parish Meeting.

The putative convenors of this APM cannot just choose their own date and venue. The law is in Schedule 12 to the Local Government Act 1972. Para 14 (2) of that Schedule says that it is the TC's right and privilege to set the day and time of an APM. That is why you may need to convene the Town Council – to set a date and time, if one has not already been set.

Also, the APM should not be in premises licensed to sell alcohol (Connaught Hall has a Premises Licence, I gather) (unless there is absolutely nowhere else available to hold the APM at any reasonable cost.)

All in all, these people seem to have read part of Schedule 12, but missed other parts.

Tactically, the Town Council may want to meet these people and try to discuss the matter. A much more expensive and belligerent alternative would be a High Court Injunction – or a Judicial Review.

As I say, I think the first step is to decide the TC's position.

Shall I write a full Briefing on this for you? We could perhaps cast it as a Report to the Town Council.

Best wishes

Nick

Reply from [REDACTED] to Nicholas Hancox sent on the 4th March 2020:

Hi Nick

Sorry I missed you, have just tried to call you back but obviously we just keep missing each other.

Thanks for your initial advice, however, it does not state it is an "Annual" Parish meeting, will this make a difference to the advice?

I am aware Connaught Hall is licensed but we also have a bar with a licence at the Town Hall so can we question this? Interestingly [REDACTED] has just taken over the licence!

It is the District Cllr (Tristan Ashby) who has called this meeting and he advised me yesterday when he brought it in, [REDACTED], had assisted him with compiling the notice/agenda etc. Please see her details below:

[REDACTED] | Democratic Services Team Leader | Breckland Council

DDI: [REDACTED] | Mobile: [REDACTED]

www.breckland.gov.uk

Aside to this, another Councillor has told me today "they" met with [REDACTED] (MO) yesterday who apparently denies any advice regarding the removal of ET as Deputy Mayor and from committee. Obviously this is all hearsay but thought it was interesting and also surprising the Breckland Officers have time to assist with calling parish meetings and giving information to them when they were reluctant to engage with us. He states he was shown an email where I was advised of the need to call for mediation and the cases not being progressed and have asked him for a copy of same.

Should be here until 2pm tomorrow but if not speak to [REDACTED] and/or email.

Many thanks

[REDACTED]

Reply from Nicholas Hancox to [REDACTED] sent on the 4th March 2020:

[REDACTED]

Sorry about my phone, I forgot to bring it out to my office.

The rule about the TC having the right to set the date and time of a Parish Meeting applies to both the Annual PM and to any other PM.

What worries me is that if the TC doesn't itself set a date for an APM between 1 March and 1 June, we can hardly argue that somebody else's date is no good.

The licensed premises issue is easier: We can use the (licensed) Town Hall if "no other suitable room is available for such a meeting either free of charge or at a reasonable cost." (The same rule applies of course to Town Council Meetings – see the 1972 Act, Schedule 12, para 10(1) .)

I have now received a copy of the Agenda for the Council meeting on 9 March. **May I take it that you want me to attend? Will there be a pre-meeting? If so, what time should I arrive, please?**

If you envisage the 9 March meeting setting a date and time for the Council's own (official!) APM, we shall need to give some thought to how that item can get itself onto the TC's Agenda. Perhaps it might be possible to squeeze it into the "[REDACTED] Report" item.

Nick

Reply from [REDACTED] to Nicholas Hancox sent on the 5th March 2020:

Hi Nick

Thanks for your reply.

Are you saying they cannot call this meeting then? We have already set a date for ours on 16 March, this has been on the scheduled calendar for nearly a year. For clarity they list the PM here as the Annual Town Assembly. As it is already scheduled there is no need to include it although I can do a reminder in my [REDACTED] report. The query from our end was whether to go with the scheduled date or postpone to later in view of the current crowd/disorderly issues.

If we are going to challenge the legality of the meeting please advise next steps or do we let it run knowing it has no legal stance?

I think you should attend as there are bound to be legal challenges at the meeting so please be prepared for this, I would say if you come around 4.30pm to have a quick chat with Tony and myself that will be fine.

Kind regards

█

Reply from Nicholas Hancox to █ sent on the 5th March 2020:

Dear █

Thank you for your email. I shall be at the Town Hall by 16:30 on Monday 9 March.

As regards the pirate Annual Town Meeting, there are two main ways of approaching the issue:

1. The Town Council can proceed with its own APM, publishing an agenda and a Summons in the usual way. We could include a very large warning note on the agenda, saying that the 'pirate' APM has not been lawfully called (giving our reasons for that view) and adding that (if anyone does attend) the Meeting will have no lawful effect whatsoever. We could publish our agenda (and our warning) prominently in the EDP. We might add a warning about trying to use Parish Polls too. (An invalid APM cannot call for a Parish Poll – and anyway the TC doesn't need to take any notice at all of anything a valid (or (obviously) an invalid) Parish Poll decides.)
2. Alternatively, we could begin litigation against the convenors of the 'pirate' APM,. The first step would be a formal Letter Before Claim (using the official protocol for Judicial Review). Then (unless they all back down) we might have to take the case to the High Court and seek a Declaration that the 'pirate' APM is not valid.

My own preference is Option 1, but Option 2 would bring greater certainty (albeit at greater cost).

Best wishes

Nick

Following this correspondence with Nicholas Hancox, █ sent an email to the 8 councillors who signed the motion against Cllrs Edward Tyrer and Taila Taylor:

Dear all

Further to emails, I have sent to Nick Hancox for advice and will let you know.

I have printed off some guidance notes please pick up from █ if you want a copy.

Generally my understanding is whilst they will undoubtedly use the meeting to vote they do not have any power to enforce the Town Council to take any action. I believe if there is enough of them calling for the Council to be dissolved they may be able to get Breckland to undertake a review but this would all have to be open to scrutiny and legal challenge. I have worked for lots of councils and many have warring factions but they are not dissolved.

The Localism Acts 2011 made it unlawful for an elected Councillor to be removed unless he is convicted of certain crimes.

My understanding is the only way you can be removed is if you voluntarily resign or decide as a Council to vote to all stand down and thus dissolve the Council.

However, I will wait for Nick's confirmation on all this.

The decision whether to go or not must be yours.

Kind regards

█

7.4 Public Meeting Held on the 12th March 2020

In addition to District Cllr Tristan Ashby and NCC Cllr Rhodri Oliver (chair of the meeting), Cllrs Vera Dale, Joe Ellis, Lucan Grave, Philip Leslie, Jaqueline Roper, Taila Taylor, Edward Tyrer, and Andy Westby attended the meeting and sat on the stage at Connaught Hall.

Over 200 residents attended the parish meeting and whilst there were hostile feelings felt towards the town council the meeting was conducted professionally by NCC Cllr Rhodri Oliver and progressed without incident.

Opportunities were given for councillors to share their experiences and thoughts, as well as answer questions from residents.

The first parish poll question was proposed by the chair in line with the online petition:

“Should all serving town councillors of Attleborough Town Council immediately resign to allow for new elections of Attleborough Town Council?”

Other than an abstention by Cllr Jaqueline Roper, all residents and councillors at the meeting voting in favour.

The second parish poll question was posed by a resident:

“Should there be an investigation into whether or not Attleborough Town Council is following its rules and procedures?”

This was supported unanimously.

The meeting was closed shortly afterwards.

7.5 Correspondence Following the Parish Meeting

The following is a report on the public meeting emailed from Cllr Jaqueline Roper on the 13th March 2020 to the councillors who did not attend and [REDACTED]

Dear All,

I attended the above meeting last night. There were over 200 residents in attendance - I reminded myself that is still a small amount of our towns population.

Rhodri chaired the meeting and was excellent at it.

As Councillors we were each asked to take the mike and say a little bit I spoke of this week with the community event and possible next plan with this and with the unfortunate situation we are in that we are looking to have mediation.

There was an open forum for residents to either make a comment on the mike or ask a question, members were then asked to reply if they chose, some questions naturally were directed specifically to myself being one of the 8 people really wanting to know what evidence I had seen prior to the extraordinary meeting appearing to assume I had signed the motion prior to the meeting having seen nothing or no prior knowledge. I did answer this, people wanted more but I did not give it. I gave bear minimum information and referred to the thick file.

In the second half of the forum focus of questions and comments from the public was more on the role of the Mayor and the [REDACTED] and an apparent public view of 200 (and only this remember) a lack of confidence in abilities to carry out these roles and the Mayor needing to seek consult with the [REDACTED] and a member of the pubic asked therefore who was leading the meeting. I reiterated that the [REDACTED] did not attend as security could not be guaranteed.

One town Cllr did report on mike that 2 members of the 8 had not wanted to sign the motion and that one Cllr said [REDACTED] "told them to do it". The same Cllr on the mike I understand also said that they were trying to lift the motion - which eludes to the minutes we put on hold - I think and the two members being removed from current roles.

There were 2 votes one for there to be a re-election, I abstained from this vote - I was the only one amongst Town and district councillors that did not vote for this proposal. The second vote was asked of by a resident which was for a review to see that all due procedures have been followed by the council which I agreed to and that vote was unanimous.

Rhodri said in terms of a re-election that this can happen I think from 15-25 days? he said with Coronavirus this may not be so. He asked 15 residents to stay after the meeting to sign a paper for this.

Lack of training for Cllrs was raised by Cllrs and the public. I said I had not received a lot of training and that I also had a responsibility to ask for it.

I am presenting here what I heard last night it is not an opinion.

My motivation for attending last night was to hear what the residents had to express and see things from another perspective I am glad I attended. I was asked first by Tristan if I was happy to sit on stage, he said he appreciated it was not an easy thing to do, I felt okay on doing so, it was certainly better than the meeting we had when the police were in attendance, I did feel support from Tristan and Rhodri throughout the process.

There was a young male reporter in attendance last night.

Warm regards

Jacqueline

Email reply from [REDACTED] to Cllr Jaqueline Roper sent on the 13th March 2020:

Hello Jacqueline

Thank you for the summary of last night's meeting and I think you were courageous to go.

Do you have the actual wording of the votes as this would be useful. I will send your summation over to Nick Hancox for the legal take on this but do not believe there is any legal standing to any of this.

I must say I am increasingly disappointed to see Tristan and Taila particularly active on both social media and in the EDP press reports as my understanding was following Sunday's meeting there was an agreement not to make any further press releases or social media posts. Whilst we have removed our releases from the website and made no further press release it does not seem they have followed their own agreement.

I am somewhat surprised to hear it was announced on the microphone I forced two Councillors to sign the motion when from the beginning I had nothing to do with the motion and left Tony and Keith to deal directly with Nick on this. Can you please advise which Councillor stated this as I believe this to be slanderous.

Nick Hancox is attending the Annual meeting on Monday and am hoping Tony will be well enough to take the Chair. For info at this meeting Councillors sit as residents (eg with the public) although I can save the first two rows so you can sit together. Any voting is made by the public as a whole so you can still propose and second in the normal way but all residents can vote and also propose, second. I will ask members of the public to sign in both with their names and addresses as only those on the electoral roll may participate. I hope this is helpful for you so you know what to expect and hopefully it will be orderly and we can keep to time.

Will be here all day today if anyone needs me and wishing you all a peaceful weekend.

Kind regards

[REDACTED]
Email reply from Cllr Jaqueline Roper to [REDACTED] sent on the 13th March 2020:

Good Morning [REDACTED]

Thank you for your email and the information regarding Monday evenings meeting. I don't mind sitting with the residents and have no objection to mixed up seating if that is what is usual practice.

I don't have the actual wording for the first vote, I did write the second vote as per my previous email and gave it to Rhodri he may have the first written down as well if you wish to ask him.

With regard to the signing of the motion, it was not said that the [REDACTED] forced two members to sign the motion. I can listen back to the recording if you wish for further clarification I do not remember all the details, one member was asked to sign it by yourself which is what this councillor reported.

I am planning to come and see [REDACTED] this afternoon, if you are free I can come and see you.

Warm regards

Jacqueline

Email reply from [REDACTED] to Cllr Jaqueline Roper sent on the 13th March 2020:

Hi Jacqueline

Thanks it is really useful you managed to record it, please ensure you do not delete as I think it is important Nick Hancox hears the full meeting. There is obviously going to be legal challenges made as a result and we do need to be sure of where we stand and how to progress.

If you have time to pop in today so we can download it would be helpful if not please can you arrange a time asap next week or perhaps you can put onto a usb ?

Kind regards [REDACTED]

Additionally, [REDACTED] forwarded Cllr Jaqueline Roper's report of the public meeting to [REDACTED] (Unite the Union) on the 13th March 2020:

Hi [REDACTED]

Please see Cllr Roper's account of last night's meeting. I have asked if she has the exact wording of the voting and will also send over to Nick Hancox for his thoughts on this.

I am concerned regarding the statement which implies I forced two councillors to sign the motion as I had nothing to do with this and left Tony and Keith to deal with Nick direct on this. I have asked Jacqueline to advise who this was as I consider this to be slander, I also think making this statement in a room of 200 people is a further attempt to incite hatred and bullying of myself. Please can you ask your legal adviser if something can be done to pursue this when I have confirmation of the name.

For info Tristan has made a press release about last night's meeting, I have told [REDACTED] to send over to you, also when the EDP rang yesterday the reporter said he had just spoken to Tristan Ashby. It is obvious he and Taila have completely disregarded the agreement made on Sunday what action do you suggest on this please.

Here all day today if you need me.

Kind regards

[REDACTED]

Cllr Taila Taylor sent the following email to all councillors and [REDACTED] on the 13th March 2020:

Good morning all, I just wanted to give a quick update on the parish meeting held last night and how productive it was in taking a positive turn in what has been an extremely negative situation.

Tristan and Rhodri organised a fantastic meeting, which was held and chaired so efficiently, bringing the community together and giving everybody the opportunity to have their say.

It was amazing that in a room exceeding 200 people, of varying ages, backgrounds, many of whom were strangers to each other, everybody managed to vote unanimously! I think this speaks volumes and clearly the one thing everybody had in common is the passion they all have for our community.

I hope that Monday's parish meeting is equally well attended, with the same behaviours. I do worry that where recent meetings held at the Town Hall have been held with the presence of security and a solicitor the environment has not been welcoming for our towns folk and has created an atmosphere where people are immediately made to feel on edge and I really do hope that in light of last night's parish meeting, this can be avoided.

In many situations people reflect the same respect that they receive and we should bare this in mind as we move forward.

Obviously Attleborough Town Council was at the centre of most comments and questions that arose, some of which were difficult to answer simply because the members present didn't have the information to relay, or an understanding of the roles and responsibilities within the Council.

With this in mind I politely remind [REDACTED] that I have an outstanding request for the personnel committees terms of reference, that I initially asked for back in October last year. Having this information last night would have been a great help, and if I could have this before Monday I think it would be useful for my own understanding, of not for others.

I would appreciate your kind cooperation in this matter and look forward to seeing you all Monday.

Kind regards

Cllr Taylor

Email from [REDACTED] to Nicholas Hancox sent on the 17th March 2020:

Hi Nick

Hope you are staying safe, it's all a bit mad isn't it!

Not sure if you have had a chance to look at my emails re Cllr Taylor and Cllr Grave FOI but can you please advise asap on this.

Also I have not been officially informed, however, understand the two votes taken at the unofficial Parish meeting have been submitted to Breckland calling for Parish Polls. Please advise on how best to tackle this, not sure if it is best for me to contact electoral services in the first instance but also feel either you or I should question the legality of the meeting and thus the votes taken.

I am here tomorrow all day if you want to discuss and be grateful for your response

Kind regards

[REDACTED]

Email from [REDACTED] to [REDACTED] of Breckland Council sent on the 20th March 2020:

Hello [REDACTED]

As you will be aware, your Councillors Tristan Ashby and Rhodri Oliver called a Parish Meeting in Attleborough prior to the Annual Parish Meeting scheduled by Attleborough Town Council. I am contacting you as Cllr Ashby advised me when he brought me the meeting notice you had assisted him in this matter so I am hoping you have follow up information you may be able to share with me.

I have been told informally and noted in the press statement, two votes were taken at the meeting and there has been a submission to Breckland for parish polls. However, I have not received any confirmation from either of the District Councillors or any Officer from Breckland same has been received or is being considered. If you have any further information or can advise who would be the appropriate Officer to contact I would be very grateful for clarification of this matter.

Our solicitor advised prior to this meeting it was his understanding it was not legally convened and it would be very helpful to receive clarification of this matter directly from yourselves.

Many thanks for your assistance.

Kind regards

[REDACTED]

Reply from [REDACTED] of Breckland Council to [REDACTED] sent on the 20th March 2020:

Hello [REDACTED]

Thank you for your email. I have cc'd your email to [REDACTED] and will ask him if he could contact you regarding this.

Many thanks

[REDACTED]

Email sent from [REDACTED] of Breckland Council to [REDACTED] on the 23rd March 2020:

Hello [REDACTED]

Thanks for the e-mail, just to clarify we had no involvement in the arrangements for the meeting, my team's involvement was limited to providing the attached guidance as we would for anyone who asks for advice. This is based on the National Association of Local Councils guidance.

I have received notification of the outcome of the meeting in the last couple of days, but as I'm sure you will appreciate, in the current climate we have taken the decision to postpone the implementation of the Parish Poll in the public interest.

Kind Regards

[REDACTED]

Reply from [REDACTED] to [REDACTED] sent on the 23rd March 2020:

Hello [REDACTED]

Thank you for your email and clarifying only guidance was provided.

I note you say the parish polls are not being progressed at this time, however, you do not state the wording of same. As per my previous email, it would be helpful if you can confirm what the proposed polls will be and the exact wording of same.

Many thanks

Kind regards

[REDACTED]

Reply from [REDACTED] to [REDACTED] sent on the 23rd March 2020:

Hello [REDACTED]

To confirm the questions submitted,

“Should all serving town councillors of Attleborough Town Council immediately resign to allow for new elections of Attleborough Town Council?”

“Should there be an investigation into whether or not Attleborough Town Council is following its rules and procedures?”

Just to confirm we have no current timetable for this poll and will keep under review, based on national guidelines.

Kind Regards

██████████
Email sent to ██████████ and ██████████ of Breckland Council from Nicholas Hancox on the 23rd March 2020:

Dear ██████████ (and colleagues at Breckland)

I am glad to see that Breckland is not progressing any Parish Polls at present. In my opinion, the recent so-called Parish Meeting at the Connaught in Attleborough was wholly unlawful and was not a Parish Meeting within the meaning of the Local Government Act 1972 at all. This is because Parish Meetings have to be on a date set by the Parish (Town) Council. Although members of the electorate can issue the summons for a Parish Meeting, they cannot themselves choose the date. All that is in the Schedule to the 1972 Act.

Given that the Connaught meeting was not a formal Parish Meeting, it cannot lawfully demand a Parish Poll.

I hope that Breckland’s lawyers agree with my opinion on this and that all talk of a Parish Poll can be quashed. I am sure that Attleborough does not want to get into Judicial Review litigation, but that remedy is clear enough. My immediate advice to Attleborough is that the not-inconsiderable expense of a Parish Poll can – and should - be avoided.

Director

Nicholas Hancox Solicitors Ltd

Email from Nicholas Hancox to ██████████ sent on the 23rd March 2020:

██████████
Another reason for NOT having a Parish Poll is that they are a waste of time. No consequences flow from a Parish Poll decision. Nobody has to take any notice of any Parish Poll decision. A Parish poll is an entirely toothless activity.

Nick

7.6 Parish Polls

As noted above, parish polls are not legally binding. However, residents were frustrated with the governance of their town council and wanted to have their voices and frustrations heard.

A parish poll cannot take place until the coronavirus restrictions allow for such, something that remains uncertain at the time of writing this report.

There have been significant changes in the town council since the election of a new chair/mayor in July 2020, most notably in the conduct of meetings and the civil behaviour demonstrated. Furthermore, in wanting to listen to the community and resolve the underlying issues, a root and branch review of the council’s operations is well underway. As a result, public support has markedly grown in the town council, with vastly reduced hostilities. This process still has some way to go, but remarkable progress has already been made.

8 Letter Before Action

8.1 Introduction

Whilst the parish meeting and coronavirus pandemic had reduced some of the public hostilities, the divide within the town council was profound.

Town council meetings had stopped and there were heated debates over holding virtual meetings and the need to work together in response to the crisis caused by the shutdown.

However, the underlying resentment caused by the action against Cllrs Edward Tyrer and Taila Taylor seemed to prevent any such cooperation. This led the council to consider mediation, which was recommended by Breckland Council prior to the actions against councillors.

8.2 Prior to Receipt of the Letter Before Action

In regard to mediation, Nicolas Hancox sent the following email to [REDACTED] on the 23rd March 2020:

[REDACTED]
Just to let you know where I am on the mediation.

I emailed EELGA and a lawyer called [REDACTED]. Both outfits do mediations rather well, but I am looking (on your Council's behalf) for a mediator with experience of both Grievances and Code of Conduct Complaints. I am not at all sure that ACAS knows anything at all about the Code of Conduct, so I am not expecting them to be able to help.

I am out of my office (visiting an aged parent) for a few days now, but back in Reedham later this week. Then I will try to assemble a Report for your Council on at least two mediators' costs and experiences. Hopefully I will be able to recommend somebody then.

Best wishes Nick

Email sent by [REDACTED] to Nicolas Hancox on the 23rd March 2020:

Hi Nick

Thanks for the update but still worry the two issues are being merged.

Whilst I totally agree a good understanding of local government and code of conduct is necessary re the councillor complaints, I do think ACAS would be a good option regarding the bullying/employment issues. I did stress at the meeting the two issues should not be merged but fear this is what is happening.

Can you advise on your thoughts as I do not want the employment issues to be brushed aside if the mediation takes place.

Thanks [REDACTED]

Email sent by Nicolas Hancox to [REDACTED] on the 25th March 2020:

Dear [REDACTED]

I do think that the two issues (the Grievance and the Code of Conduct complaints) are so closely interwoven that they need to be mediated as two aspects of one issue; both aspects to be sorted out (hopefully) in one session. Surely, if we do them separately, we might get into a mess, with the two outcomes not blending together.

I also think that is what your Council Members are thinking -or that is what they were thinking, at the ragged ending of that last meeting.

Best wishes Nick

Email sent by Nicolas Hancox to [REDACTED] on the 9th April 2020:

Dear [REDACTED]

Please find (attached) my Report to the Council on Conciliation and Mediation Services. You will see that I have made a clear recommendation that we use the services of ACAS.

Over to you!

Best wishes, Nick

Email sent by [REDACTED] to Nicolas Hancox on the 9th April 2020:

Hi Nick

Report looks fine but just wondered if you want to add that E Tyrer was removed as Deputy Mayor also. This is bound to be picked up and thought perhaps you might wish to amend before I issue.

Kind regards [REDACTED]

Email sent by Nicolas Hancox to [REDACTED] on the 9th April 2020:

Ah.

I was deliberately glossing over that, because it is challengeable on Judicial Review.

Nick

Email sent by [REDACTED] to Nicolas Hancox on the 14th April 2020:

Hi Nick

Ok but they have done this and seems from the previous notes [REDACTED] was in agreement with this? Do you want to circulate the report direct or do you want me to send out?

Thanks [REDACTED]

Email sent by Nicolas Hancox to [REDACTED] on the 14th April 2020:

It's a Report to your Council, so it ought really to be on an agenda.

Nick

Email sent by [REDACTED] to Nicolas Hancox on the 14th April 2020:

Hi Nick

Well we are a long way from arranging a virtual meeting I think so will need to put on hold at the moment.

Thanks

The postponing of mediation was questioned several times in emails and subsequent meetings, but no report or details were forthcoming from [REDACTED] or Cllr Tony Crouch. Aggrieved councillors eventually gave up on mediation, which was one of the main factors in Cllr Taila Taylor making her decision to take legal action against the town council, as all other routes for redress had failed and it was approached the 3 month limit to take such action. Once the letter before action was issued against the town council, effective mediation became impossible until the legal case and investigations were concluded.

Unsuccessful attempts were being made by councillors to resolve the issues and deescalate hostilities, and Cllr Keith Montague sent the following email to all councillors on the 7th April 2020 in response to some points and suggestions raised:

I refer to the four emails (Beverley, Phil, Andy & Taila) all of which have valid points which ideally would need face to face discussions, alas not possible at this difficult time.

Unfortunately the meeting on 27 February 2020 was a one-sided affair involving the Council's Solicitor and the officer from the Unite Union who had a file of evidence that he wished to put before Councillors. Would it be appropriate for contact to be made with Unite to try to understand their position? Unite have made it quite clear that they are prepared to take matters to court if required.

Whilst it is a matter of conjecture as to how this whole business was handled, I would like Councillors to understand the seriousness of the situation when a powerful union gets involved and the potential costs and ramifications to the Council. It was essential that the Council had legal advice and that we did - not just listen to Unite.

The "them and us" situation on the Council has to urgently be resolved if we are going to move forward. I, along with most / all other Councillors, joined the Council to try to do good for the town and not to be embroiled in this continuous war of words and unpleasantness.

There is criticism that council meeting papers are going out too late - if it will help I am prepared to have a conversation with [REDACTED] to see how this can be resolved for meetings after the pandemic.

I, along with others, am probably guilty of ignoring or delaying replies to people who constantly send emails; perhaps if the staff and Councillors all have a good working relationship this can be improved. Incidentally the same sometimes applies Councillor to Councillor. When people are hostile to one another, is it any wonder there is no reply or an unacceptable response.

It is very easy to complain and ask why haven't we been told of a new date for the Council Meeting. Several Councillors were not happy with the email meeting and Zoom is suggested. It transpires that not all Councillors have facilities to download Zoom and are not familiar with it. It does not seem right to exclude Councillors because they do not have modern technology. There is also the issue of how to arrange public participation. It should also be noted that many other Councils are not holding virtual meetings at all.

Please can we put aside / resolve differences and work together - this is a particularly difficult time when compromises have to be made. Things will be far from normal for a long time yet.

I would like to propose that [REDACTED] be given the additional responsibilities which she needs to deal with matters, with immediate effect, in accordance with guidance received. Should there be any genuine unease about her abilities etc, then please let Councillors be made aware in order that the matter can be discussed.

This email is perhaps a starting point to try to bring everyone together and to try to dispel some of the feelings of mistrust. Let's face it - we are 'where we are' and now is the time to work together. I know the mistrust runs deep and that it will not be sorted out overnight, but we all have a responsibility to work together and not try to put "a spanner in the works" or try to score points over others.

I trust that this email will be received in the manner that it is intended.

Kind regards, Keith Montague

Email response from Cllr Taila Taylor sent to Cllr Montague and all councillors on the 8th April 2020:

Cllr Montague, some valid points and I do feel it was sent with the best intentions, so thank you for that.

The stumbling block for me, is that this ongoing saga keeps coming back around, despite the fact due process has not been followed.

I understand that members may have felt intimidated by the seriousness of the claims, and the Councils liability if these claims were founded, but this does not excuse the way in which the matter has been handled, which has only put the Council at further risk.

Members have a responsibility of due diligence, and sadly this seems to have been missed.

It may be painful to admit but there was many reasons that the meeting on the 27th was a one sided affair.

You say that the officer from the Unite Union had a file of evidence that he wished to put before Councillors, but Cllr Roper was at that meeting and has confessed to not seeing any of the documents contained, as has Cllr Busk, therefore I must assume that nobody at that meeting saw the contents of the file.

You also suggest that contact be made with Unite to try and understand their position - should this not have been done prior to passing the motion?

Essentially, no evidence was seen by members before yourself and Cllr Crouch met with the Union Officer and the Councils solicitor, no evidence was seen before the motion was drafted and signed by eight members, no evidence was seen before the agenda was composed to consider the motion, no evidence was seen (or even present) at the initial meeting on the 17th February, and although it was apparently present for the meeting on the 27th, was still not seen and could have been a file of blank papers for all anybody knows, so the eight members present (the same eight that signed the motion prior to the meeting) were predetermined and passed a resolution based solely on hearsay, breaking multiple standing orders in the process.

Adding to this are the multiple press releases that the Town Council issued, written by the [REDACTED] by Cllr Crouch's own admission, despite her now admitting to being one of the complaints, and the extremely damaging comments contained about both myself and Cllr Tyrer, supported by the Mayors quotations, despite many of them being issued before the motion was passed, and even after, issued by the Town Council despite the fact no members had seen any documentary evidence - how is this fair?

I just simply do not understand how myself and Cllr Tyrer can be treated so badly, when neither of us knew anything about this, the allegations or anything, until the agenda was issued and still to this day it has not been confirmed who the complaints actually are or the details of the allegations.

Myself and Cllr Tyrer were not given an opportunity to 'respond' until after the meeting with [REDACTED] and Mr Hancox on the 4th February, after the motion had been drafted and signed by eight members, after the agenda was issued, after the press releases were issued and after the motion would have been passed (although it was very clearly a done deal anyway) and were not even contacted by the Councils solicitor until after the initial meeting on the 17th when the motion was first proposed. Mr Hancox's offer to discuss the claims only came on the 24th when it was finally decided "it is important that the Town Council hears your point of view" a week after the original meeting and almost two weeks after the agenda was issued and the motion had already been signed - again how is this fair?

Whilst I appreciate the Council has a duty of care to its staff, the same applies to members and it is failing this.

While members may have the privilege to ignore emails from members they find irritating, or disagree with, officers of the Council do not have the same privilege, and in doing so, breach the member/officer protocol adopted by this Council.

This 'us and them' situation started with the eight signing the motion without even bringing it to the attention of the other seven, and only the eight therefore have the power to resolve this, it cannot be a simple case of 'forgive and forget' and I'm sure if your character had have been damaged in the same way you would agree.

Aside from this, and back to the matter in hand, Zoom conferences are just an email invitation response and uses your web browser, with a quick automatic download - so this concern can easily be dismissed (if members have a pc, laptop or phone they can take part without having to do anything).

Also, you've proposed to give the [REDACTED] additional responsibilities, before the Council make another knee jerk decision can we please be specific in what this would consist of, when they would end and who would be checking how they are being used?

Kind regards

Cllr Taylor

Email sent by Cllr Beverley Bulmer to Cllr Taila Taylor and all councillors on the 8th April 2020:

Thank you Cllr Taylor

An in-depth account of events but with all due respect for the current emergency - I feel the response to be addressed should focus at this time on the last two paragraphs of your correspondence.

This is the matter in hand that needs our direct attention.

The other points raised will inevitably be there to be addressed another time, which I feel is not now.

warm regards

Beverley

Email sent by Cllr Lucan Grave to all councillors on the 8th April 2020:

I agree with you councillor Bulmer, we need to be dealing with the matter at hand, however that is extremely difficult when this issue is continually being thrown back at councillors Tyrer and Taylor, with the issues that some of us councillors are experiencing (highlighted by councillor Leslie) and still no movement on the last two paragraphs of councillor Taylor's email.

We are undergoing a huge crisis, and support from this council still seems minimal nearly a month in

Email sent by Cllr Edward Tyrer to all councillors on the 8th April 2020:

I totally agree with you Cllr Bulmer, which in effect, you have confirmed my suggestion the other week, these matters will be sorted and resolved correctly in due course. And I thank you for agreeing with me on that point.

However, pertinent questions have been asked by Councillors directly related to the crisis and our community as to what the Council is doing to ensure coordinated actions and try and show some type of leadership.

The community have also been asking for this.

The response. Divert, deflect or ignore. This response it seems is only be applicable to certain Councillors. None of my questions have been answered, such as the quickest and most direct, and only action I would suggest, is to provide money to groups etc.

Did I get any response? No

Emergency plan and who is emergency coordinator, no response.

Teleconference, no response.

I know Cllr Bulmer you will say, oh but it's on the agenda, sadly, again you miss the point and issue. Maybe after it has been pointed out the money was a better idea than Cllr Crouch's unworkable plan.

It is because of the issue you and your 7 friends have set in motion. That will be thoroughly investigated in due course, including ignorance of standing orders.

So, please do not patronise us with using the crisis we all face as an excuse, and say we all need to work together, or let's all forgive, forget, and move forward. Sadly that ship has long sailed.

I appreciate you may well be a service to the community in this crisis, but so are many other Councillors, and going above and beyond and making things happen which the Council should have done in the first instance. Once we fully reflect and debrief on this in due course we can maybe understand what did/did not happen, and why.

The issue sadly is the crux of the continuing dysfunctional operations of the Council.

Kindest and warmest regards

E. Tyrer

██████████ sought advice from Nicholas Hancox on how to answer Cllr Taila Taylors email, and received the following advice from him on the 8th April 2020:

Dear ██████████ and Tony (cc to Keith)

It seems to me that whatever we say to Cllr Taylor, it is not going to satisfy her.

The best way through this problem is probably the process of conciliation / mediation which the Council asked me to investigate last time. That process should establish the facts and point us all towards a way out of the current impasse. But it needs all parties to join in and (anyway) "social distancing" is going to make it harder than it would otherwise be.

For your information, I am in email touch with three mediators / conciliators, but I still need to speak on the phone to ██████████ at ACAS (who was recommended by ██████████), before I can make a recommendation to the Council. Even then, unless all of the key protagonists on the Council participate fully in the process, we shall not succeed.

My inclination is to advise that one of you (probably Tony) respond to Cllr Taylor (perhaps copying all other Members in) by sending something along the following lines:

[Insert suitable introductory words of your own]

Clearly, the Town Council has some problems which needs to be resolved. There are various disputes amongst the Members of the Council and a formal dispute between the Council and the Union which represents some of our employees. There is also a serious disconnect between the Town Council and some of the people of the Town, whom we represent on the Council.

Some of the facts behind all this are in dispute in some quarters.

I am optimistic, however, that we can resolve most of our internal disputes (amongst the Councillors and with the Union) through the mediation or conciliation which Nick Hancox is trying to arrange. Mediation and conciliation are overlapping techniques, but they both require a willingness on all sides to participate and to show a positive attitude. I am optimistic that the facts can be clarified - and that a way forward can be agreed - through that mediation or conciliation. Once we have 'got our own house in order', I hope that a re-united Council can begin to address our disconnect with the electorate.

Let us not continue to send argumentative emails to and fro. Let us instead try to resolve these disputes. [I am sure that] or [I hope that] all of the Members of the Council will want to put the interests of the Town first – and thus get on with our real work as a Town Council.

[insert suitable valediction]

I hope that helps.

Best wishes

Nick

██████████ then sent the following email to Cllr Tony Crouch on the 9th April 2020:

Hi Tony

Further to Nick's emails and Keith's comments, please see draft below – Nick writes in quite a formal way you may wish to change but will leave to you

Thanks

██████████

Dear Cllrs

I note Cllr Taylor's email comments but cannot agree with many of her statements and believe them to be incorrect. I remind Councillors the Town Council Solicitor was consulted throughout recent events and his advice followed. The ██████████ and ██████████ was not involved in dealing with the Councillors complaints or in handling the staff grievance. The Unite grievance involves the staff team and must be taken seriously.

However, clearly, the Town Council has problems which need to be resolved. There are various disputes amongst the Members of the Council and a formal dispute between the Council and the Union which represents our employees. There is also a serious disconnect between the Town Council and some of our residents. Some of the facts behind all this are in dispute by some Councillors.

I would like to think we can resolve most of our internal disputes (amongst the Councillors and with the Union) through the mediation or conciliation which Nick Hancox is trying to arrange. Mediation and conciliation overlap but they both require a willingness on all sides to participate and to show a positive attitude. You all agreed to trying this and I hope this will make matters clear a positive way forward can be agreed through mediation or conciliation. Once we have 'got our own house in order', I hope that a re-united Council can begin to reassure the public.

Please stop sending argumentative emails to and fro, instead try to resolve these disputes and work co-operatively with each other and the staff. I hope all of the Members of the Council will put the interests of the Town first and get on with our real work as a Town Council. During this current crisis this is more important than ever, we are in a national crisis and need to remember this at all times and in all our actions please.

I wish you all a restful Easter and know this weekend will be very strange for many, perhaps a good time to consider recent actions.

██████████

Email sent by Cllr Andy Westby to all councillors on the 9th April 2020:

Dear All,

I'm really struggling to understand why some amongst us feel comfortable in suggesting we all should let bygones be bygones, claim we are where we are and move on as if nothing has happened and play happy families. I'm sorry, but it doesn't work that way. That is akin to someone burgling your house and then coming back, saying forgive and forget and let's be mates. If you, as the victim, want to forgive the perpetrator of a wrongdoing, that's your prerogative, but the wrongdoer can only beg the forgiveness of the victim, not insist on it, and that it should include some form of reparation.

I have past experience of dealing with employment disputes as a business owner and employer. My wife is a solicitor and has previously worked in Employment Law, albeit no longer practices in that field. I therefore feel able to consider such matters with some confidence. There are clear procedures to follow to ensure that the matters under consideration are dealt with in a fair and just manner. During recent events, these procedures have simply not been followed, which I find deeply troubling. There is also the premise enshrined in English Law that one is innocent until proven guilty whilst both parties have the right to state their case and their defence. The presumption of guilt until proven innocent is the very unpleasant trait of a dictatorship, where matters are often conducted under duress, usually to conceal some underlying misdemeanour.

As I have stated on a number of occasions previously, two councillors, who I must add I had no particular affinity to at the outset, were accused of 'bullying and harassment' by a member/members of the office staff. The accusers remain unknown and have not to date been officially identified, or certainly not to me, which again I find very unorthodox. The two councillors were summarily judged by seven councillors and the Mayor, who signed a motion to limit their capacity to that of ordinary councillors on the advice of a union representative, the ██████████ and a solicitor (whose role and

paymaster in this mess is still not clear). No contact was made with the remaining seven councillors until the publication of the agenda, received on 11 February, for an Extraordinary Full Council Meeting to be held on 17 February. What made this all the more 'extraordinary' was the total lack of transparency. Agenda items included consideration of the solicitor's report in connection with a grievance raised by Unite, responses, and consideration of a motion signed by eight councillors proposing the removal of two councillors from positions within the council structure, followed by further responses.

At the time the agenda was published, I (together with my six colleagues) had no idea whatsoever who had made the accusations, (unbelievably) who they were against nor the names of the councillors supporting them. Fundamentally, not a shred of evidence to support the accusations was presented to me (nor the other six) for consideration prior to the meeting. It subsequently transpires that some (maybe all?) of the eight who had previously signed the motion had also never been presented with any evidence of wrongdoing, but instead blindly signified their support on the verbal advice of others, including a likely accuser. Another 'extraordinary' action. How anybody with a modicum of intelligence and moral fortitude can put their name to something so serious and far reaching, without satisfying their own inherent curiosity of the integrity of the case put to them, beggars belief.

Notwithstanding the morals of their actions, it is clear that eight councillors including the Mayor were consulted, persuaded to sign (possibly under false pretences?) and therefore presented a majority prior to the meeting even taking place, whilst seven councillors remained completely in the dark. I return to the premise in English Law of fairness and justice. It therefore comes as no surprise whatsoever that the Council is now split into two 'warring' factions, coincidentally (although I think not) comprising on the one side those that were consulted and on the other those that were not. I say again, actions have consequences, and this split in the council is the direct consequence of only eight councillors being consulted. As others have stated, we remaining seven are instead made to feel like second class councillors and treated with contempt.

The conduct of the meeting on the 17th was an utter farce and deserves and will generate no further comment here. Suffice to say, however, at least it became apparent who the two accused were and who were the eight henchmen, although the accuser(s) remained (and still do to this day) anonymous with no evidence to support their accusations provided. Before anybody suggests otherwise, any notion that evidence would have been presented had the meeting run its course is not credible. To be presented with any amount of evidence to consider instantly on such a serious matter, in a meeting scheduled to last no longer than one hour, is simply unreasonable and not acceptable in any way shape or form. It needed to be presented well beforehand, with the agenda, for due consideration.

I understand that attempts were subsequently made by the solicitor to contact and consult with the two accused members before the reconvened meeting on 27 February. Bearing in mind the meeting should have been finalised on 17 February, this inept opportunism was too little, too late.

We seven, once in possession of more facts following the meeting of 17 February, saw no legitimacy whatsoever in the reconvened meeting and declined to attend. Needless to say, the motion was passed, as it would have been anyway, as the eight signatories formed a majority, and so summary justice was done. It was incidentally not seen to be done, however, as the public were denied entry to the meeting, involving the utterly ridiculous provision of security guards and the wastage of valuable police resources.

Hopefully, now it will be abundantly clear to all why there is division within the council, which cannot be simply swept under the carpet as if nothing has happened. A gross injustice has been perpetrated and those involved must be held to account. If they have the courage of their convictions and evidence to justify their accusations, let's ALL see it – every last piece of it. We can ALL then make an informed decision based upon fact rather than hearsay or petty vendetta against two councillors who clearly have the best interests of the town at heart, as has quite clearly been exemplified at this very difficult time. My suspicion is, however that it doesn't exist and that is why it has not been presented. There has been misinterpretation of robust questioning and challenging of the actions (or inactions) of officers who, as stated before, have a tendency to ignore issues, deflect criticism and ultimately accuse challengers. We are now in the latter phase, where perfectly legitimate, robust challenges and questioning have been construed and re-purposed as examples of 'bullying' because it shows the recipients in an unfavourable light. Unfortunately, this is being used in an attempt to silence the challengers and conceal the dysfunctional running of the council's affairs, although has failed gloriously.

In order to forgive and forget and move on, if that is indeed possible, the past wrongs have to be undone and apologies issued to Cllrs Taylor and Tyrer, unless of course compelling evidence of their wrongdoing can be provided for proper consideration by ALL members of the council. I agree with others that now is probably not the best time, given what is going on around us, but equally the matter will not simply go away and needs dealing with robustly as soon as the opportunity arises.

Kind Regards, Andy Westby

██████████ also sent Cllr Andy Westby's email to Nicholas Hancox on the 10th April 2020.

Following many requests from several councillors to hold virtual meetings, Cllr Taila Taylor sent the following email to ██████████ and all councillors on the 6th May 2020:

Good morning

As the majority of members have now expressed that they have either installed or been using Zoom, and this seems to be the preference I would like for a trial and a meeting to be arranged.

For absolutely clarity, this is a request to the Chairman, in accordance with Standing Order 6b and the Local Government Act 1972, Schedule 12, Part II, para 9, which reads as follows :

9 (1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.

I understand it is also Cllr Graves intention to put this request to you, once this happens you will have seven days to call a meeting. If you refuse myself and Cllr Grave may convene the meeting ourselves.

The business I wish to be included on the agenda is as follows:

The election of Chairman/Town Mayor for the municipal year 2020-2021

The election of Deputy Chairman/Town Mayor for the municipal year 2020-2021

Apologies for absence

Declarations of interest

Minutes

Financial matters

Pandemic plan

Any other matters relating to COVID-19

I eagerly await your response.

Kind regards

Cllr Taylor

██████████ forward Cllr Taila Taylor's email to Nicholas Hancox with the following questions on the 6th May 2020:

Hi Nick

please see below and advise urgently.

Tony has already stated he will call a meeting in June once Councillors have had an opportunity to familiarise themselves with Zoom, does this caveat their request eg *If the chairman refuses to call an extraordinary meeting*

The only time I have had this before I was told by the MO the Councillors had to produce their own agenda and summons themselves, is this still the case please?

Do they have the legal right to demand the election of the Mayor particularly as the law has now changed during Covid to extend the Chairmanship until May 21?

Appreciate your response asap

Kind regards

██████████
Nicholas Hancox replied to ██████████ on the 11th May 2020:

Dear ██████████

Thank you for your email. My advice is this:

1. "Does this caveat their request?"

No, not unless the Mayor actually calls a meeting. A promise to call one eventually is not enough to override the two members' request.

2. "The Councillors had to produce their own agenda and summons".

In theory, yes, the two members will produce their own agenda and summons, but my own view is that you are the [REDACTED] of the whole Council and you might want to help them to do it correctly. The meeting seems unavoidable, so why not get the paperwork right, first time?

3. "Do they have the legal right to demand the election of the Mayor?"

Yes, they do have the right to put the election of a Mayor on the agenda, because (as I mentioned last Friday) the Coronavirus Regulations' extension of the Mayoralty carries his term of office over *either* to the next annual meeting *or until such other time as the Council may decide*. (That is in Regulation 4(2) of SI 2020 No 390.) This means that the Town Council can have an election of a new Town Mayor at their May 2020 or June 2020 meeting if they want to, but (only if they choose not to) then the current Town Mayor continues in office automatically. It makes no difference who convenes this meeting; the decision to elect a new Mayor or just to let the current one continue in office will happen anyway.

Best wishes

Nick

It should be noted that virtual town council meetings did not take place until the 1st June 2020, after the letter before action was received and responded too.

The 7 councillors who opposed the action against councillors felt that they were being excluded from participating in town council matters and that the [REDACTED] and Mayor were attempting to prevent the election of a new mayor. Some of the councillors who did sign the motion against councillors were also increasingly uneasy with the governance of the town council and refused to be take part in private meetings that excluded other councillors.

8.3 Receipt of the Letter Before Action

On the 14th May 2020 (1:06pm) the town council, including councillors, received the following email from Rogers & Norton solicitors, who were acting on behalf of Cllr Taila Taylor:

Please find attached letter before action addressed to Attleborough Town Council.

Please note that a copy of the same needs to be sent to Cllr Loades but his e-mail address is not publicly available and we would ask that you forward a copy of the same to him.

Yours faithfully

ROGERS & NORTON

[REDACTED]

The following is the letter before action referenced in the above email:

Dear Sirs

We have been instructed by Councillor Taila Taylor and will be issuing Judicial Review proceedings very shortly unless you agree to the remedy claimed by 12.00 noon 20th May 2020. This letter is a formal letter before claim in accordance with the pre-action protocol for judicial review under the Civil Procedure Rules.

The proposed defendant

Attleborough Town Council

The Claimant

Taila Taylor

Details of the claimant's legal advisers

Rogers and Norton Solicitors, The Old Chapel, 5-7 Willow Lane, Norwich, NR2 1EU

The Claim

1. At an Extraordinary General Meeting on 27 February 2020 ("the EGM"), Attleborough Town Council ("the Town Council") resolved to remove Councillor Taila Taylor ("Cllr Taylor") and one other Councillor, Councillor Edward Tyrer ("Cllr Tyrer"), from all Committees and Working Groups of the Council for a period of two years, and that Cllr Taylor (and Cllr Tyrer) could not become Vice Chairman or Mayor for a period of two years ("the Decision"). The Decision was unanimous, but only eight members of the Town Council were present at the EGM.
2. The reasons for the Decision, as they appear in the Minutes of the EGM, were that:
 - i. Nine 'Code of Conduct' complaints had been sent to the Monitoring Officer at Breckland Council about Cllr Tyrer and Cllr Taylor, being two members of the Town Council;
 - ii. These complaints sought to impugn the reputations of Cllr Tyrer and Cllr Taylor;
 - iii. Unite the Union had complained by way of a formal Grievance to the Council about the behaviour of certain members of the Town Council towards various employees of the Council; and
 - iv. This Grievance sought to impugn the reputations of Cllr Tyrer and Cllr Taylor.
3. It is clear that Cllr Taylor has a number of clear grounds for judicial review. There are at least three significant legal problems with the Decision. Please note that our client's claim is not limited to the matters referred to herein and all rights are reserved.
 - i. The Decision was *ultra vires* i.e. beyond the powers of the Town Council because the only process available to sanction a Town Councillor for alleged bullying, harassment or intimidation of staff, at least in the ways which the Town Council sought to do was through the Code of Conduct procedure provided for in the Localism Act 2011. That is the effect of the judgment of the High Court in *R (Harvey) v Ledbury Town Council* [2018] EWHC 1151 (Admin) [2018] ACD 71 ("the Ledbury case"). The Decision was unlawful and would fall to be quashed by the Court for this reason alone.
 - ii. Even if the Town Council did have the power to impose the sanctions, the Decision was procedurally unfair. Cllr Taylor was never provided with or told the nature of the "grievance" against her. No fair investigation into the grievance was completed, and Cllr Taylor was only offered an opportunity to respond to the allegations against her, whatever they were, after a majority of the Town Council had already formed the view that the sanctions should be imposed.
 - iii. Furthermore, the Decision was substantively unlawful in that the sanctions were not justified on the evidence before the members who voted. In particular, because the Decision interfered with Cllr Taylor's right to freedom of expression under Article 10 of the European Convention on Human Rights ("EHCR"), it would be for the Town Council to justify that the Decision was a proportionate means of meeting the aim of the protection of its employees. However, the Town Council cannot do this. It appears that at least two, and possibly all of the eight councillors who voted in favour of the sanctions did not see any evidence in support of the allegations before doing so. Even if the evidence was available, there were no findings by the Town Council that Cllr Taylor had actually committed the behaviour in which she was alleged to have engaged. The Town Council cannot rationalise the sanctions as proportionate.

Factual Background

4. As well as being a member of the Town Council, Cllr Taylor is a Breckland District Councillor.
5. On 11 February 2020, an agenda for an EGM of the Town Council, to be held on 17 February 2020, was published. The agenda items included consideration of a solicitor's report on a "grievance" raised by Unite ("the Report") to which 10 minutes was allocated, and a motion signed by eight councillors proposing the removal of two Councillors from positions held within the Council structure ("the Motion"). The Motion was in the same form as subsequently approved on 27 February. Eight councillors constitutes a majority of the Town Council, which has 15 Councillors in total. Provision was ostensibly made for Cllrs Taylor and Tyrer to "respond" to the Report and the Motion: 10 minutes in each case.
6. The Report in question was dated 4 February 2020. It attached what it described as a "Grievance Letter submitted by Unite the Union on behalf of some employees of the Town Council last month".
7. The attached Grievance Letter was also dated 4 February 2020. It was written by [REDACTED], a Unite Regional Officer, to Cllr Crouch, the Town Mayor, "with regard to the majority of Attleborough Town Council employees who are members of Unite the Union". The letter stated that Unite's members had "raised some

extremely serious issues concerning the conduct of elected members, namely Councillor Eddie Tyrer, Councillor Tai/a Taylor, and Councillor Lucun Graves". It said they had "described a sustained campaign of bullying and harassment of Council staff, including persistent insulting and libellous postings on social media, belittling outbursts in public meetings and face to face verbal attacks (including foul language) on staff whilst carrying out their Council duties". It added that "in the case of Councillors Tyrer and Taylor, there is also a suggestion that their behaviour has at times amounted to intimidation". It asked "that the Council act immediately to address this situation", whilst noting that "the powers of a Town Council are somewhat limited with regard to the sanctioning of elected members".

8. The Report stated that a meeting was held in the Town Hall on 4 February 2020 "to discuss the matter", present at which were Councillors Crouch and Montague, as well as [REDACTED] and one representative of the "relevant staff" and the solicitor. It stated that "The Union gave examples of bullying and harassment done by councillors against employees. Two councillors, Cllr Taylor and Tyrer, were particularly named as alleged perpetrators of this bullying and harassment of staff". It continued:

"3. The Councillors present at the meeting came to accept that bullying and harassment did take place and they fully understood that the Town Council, as the corporate employer, is responsible for providing a safe and pleasant working environment for all of its employees. The Councillors present at the meeting reluctantly agreed with Unite the Union that urgent action has to be taken now, to stop the bullying and harassment.

4. Councillors Taylor and Tyrer were duly elected into the Council by their local voters and the Town Council has no power to remove any Councillors from the Council. The Monitoring Officer at Breck/and is investigating complaints of breaches of the Code of Conduct, but even the Monitoring Officer has no power to impose any sanction or punishment on any Councillor. The Monitoring Officer's decision on the complaints is awaited, but it seemed to Councillors Crouch and Montague in the meeting with Unite very likely that 'Code of Conduct' complaints would be upheld against Councillors Taylor and Tyrer.

5. Councillors Crouch and Montague therefore supported the Grievance brought by Unite and they now look to the full Town Council to do what the Council can do, to put matters right".

9. In relation to the Motion signed by the eight Councillors, an e-mail from one of its signatories, Cllr Busk, dated 2 April 2020 states that he did not see any evidence in support of the Grievance (or the Code of Conduct complaints) before signing the Motion (or indeed before voting to approve the Motion on 27 February). We also believe Cllr Roper admitted this in a parish meeting held on 12 March 2020. Indeed it is believed that none of the eight signatories saw such evidence before either signing the Motion prior to 11 February 2020 or voting for it on 27 February 2020.
10. In relation to paragraph 4 of the Report, Cllr Taylor's response to the solicitor's e-mail of 24 February (referred to below) was that on 6 February 2020, Breckland District Council's Monitoring Officer stated that she proposed no further action be taken by the District Council against Cllr Taylor, saying: *"I consider the best way forward is for the Town Council to arrange for an independent mediator to become involved to resolve the issues. I therefore, at this time, do not propose to take further action to the complaint made against you".*
11. The Minutes of the meeting on 17 February 2020 record that 14 Town Councillors were present. By a majority of eight to six it was voted that the public and press should be excluded. However, when the Town Mayor asked members of the public to leave, they remained. The Police could not remove them. A majority of the Town Council thereafter resolved to adjourn the meeting to another day.
12. The Town Council issued a press release following the 17 February meeting. This stated that eight councillors *"hoped to pass a resolution at the Council meeting held on 17 February 2020 in an attempt to stop the bullying". It* quoted Cllr Crouch expressing his "astonishment" that *"in 2020, and on a week where a high profile celebrity has taken her own life which is linked with online bullying, there are people who turned out to support two bullies! Myself and many of my fellow Councillors have been appalled at the unacceptable behaviour which has gone on and did our best to put a stop to it..."*.
13. A date of 27 February 2020 was then set for a further EGM to consider the Report and the Motion. After the setting of that date (and - as follows from the above - after the producing of the Report, after the signing of the Motion by a majority of the Town Council, after the meeting of the 17 February, and after the Town Council's response in the press release), on 24 February the solicitor e-mailed Cllr Taylor *"about the allegations mentioned in Unite the Union's recent Grievance (lodged with the Town Council on behalf of various employees)". The e-mail stated:*

- "It is important that the Town Council hears your point of view and takes account of your response. I am therefore pleased to offer you the opportunity to meet me privately at the Town Hall, so that I can hear and record what you want to say about the Grievance and about the consequent Motion currently before the Full Council".*
14. Cllr Taylor responded the same day. In relation to the offer to meet, Cllr Taylor wrote that it was *"extraordinary that you would write to me now, two days away from the meeting when the business you wish to discuss was slated for discussion last Monday"*. She stated that *"your belated offer of a meeting has served only to highlight many flaws in the process so far"* which she then set out. Cllr Taylor concluded her e-mail by stating: *"I would be grateful if you could provide a full response to the issues I have raised above in advance of the meeting on Thursday"*.
 15. On the evening of 26 February 2020 (i.e. the eve of the key meeting) Cllr Taylor wrote again to the solicitor expressing her concern that she had not had a response to her e-mail of 24 February. Cllr Tyler questioned whether the solicitor had a conflict of interest. The solicitor did not reply until 4 March 2020. He denied any conflict of interest.
 16. On 25 February 2020, seven Councillors (Cllrs Tyrer, Taylor, Grave, Westby, Leslie, Dale, and Ellis) produced a statement. This stated among other things that:
"Due process has not been followed. The a/legations have not been in any way shape or form proven, not properly investigated and have furthermore been discounted by the Monitoring Officer at Breck/and Council, to whom they were reported. This latter adjudication was presented to [the Town Council] by Breck/and Council together with a suggestion that the whole Town Council be subject to mediation ... we are aware, however, that the protagonists at [the Town Council] have declined to take up this offer and instead opted to pursue a vendetta against the two accused Councillors regardless of fact, culminating in the calling of the Extraordinary General Meeting of Monday 17 February 2020. We collectively have no doubt that the a/legations levied [sic] against Cllrs Tyrer and Taylor are spurious and malicious in nature and not based on fact. No evidence was presented to us, either prior to or during this meeting, to corroborate any of the accusations made. Neither 'accused' has been given the opportunity to present a defence against the a/legations".
 17. On 27 February 2020, in advance of the EGM, the above seven Councillors signed a statement objecting to the Motion, and indicating that they would not attend the EGM. It stated: *"we feel that by attending the meeting we would be legitimising it and condoning the actions of our colleagues, neither of which is remotely the case"*.
 18. The Minutes of the EGM show that the Councillors present were Cllrs Crouch (presiding), Bulmer, Busk, Cousins, Loades, Montague, Redmond, and Roper. It was decided to exclude the public and press from the meeting. In relation to the Report, the Minutes record that the solicitor reported that a meeting had been held with Unite to discuss the Grievance, that *"the members present at that meeting"* (only Cllr Crouch and Montague) had accepted that bullying and harassment did take place, and that those members had agreed with Unite that urgent action now had to be taken *"to stop the bullying and harassment"*. In relation to the Grievance, the solicitor asked ██████████ of Unite to speak on behalf of "some" Council employees. The Minutes state that ██████████ *spoke of the distress caused to Council employees by bullying and harassment from certain members of the Council"*. In relation to the matter of responses from Cllrs Taylor and Tyrer, it is said: *"The Solicitor informed Members that Councillors Taylor and Tyrer have been given the opportunity to put their own points of view either in offered meetings with the Solicitor or in two separate items on today's agenda, but neither Councillor had accepted either of those opportunities. The Solicitor said that it is clear from social media that both Councillors deny the bullying and harassment of staff"*.
 19. Thereafter the Decision was made.
 20. Lovewell Blake LLP was appointed in the late part of 2019 to carry out an "HR review", to involve all staff and councillors being interviewed by a consultant, ██████████. It was envisaged that conversations would be kept confidential although key points and common themes would be fed back to the Council via a report. One of the questions for the report was to be *"matters that are putting the Council at risk with regards to grievances and potential tribunal claims"*. A note from Cllr Montague, who is Chairman of the Personnel Committee, expressed that this would be *"a comprehensive exercise which I sincerely hope will give closure to the present hostile and unpleasant situation that sometimes exists within the Council"*.

21. However, the report was never produced. Lovewell Blake disengaged the Town Council in respect of its HR consultancy services on 18 December 2019, and reported that *"as such, whilst we had held initial investigative interviews with persons connected with the Council, we did not carry out any further work for the Council in relation to these investigations or conclude our work on any findings from those investigations"*.
22. All documents referred to above are in your possession.

Conclusion and Relief Sought

23. We refer you to the Ledbury case which clearly supports our client's claim. We have advised our client that she has a number of grounds to challenge the Decision and have the Decision quashed. In summary:-
- i. The Town Council did not have the power to impose the sanctions
 - ii. The Decision was procedurally unfair for a number of related reasons.
 - iii. The Town Council cannot justify before the Court the sanctions imposed on Cllr Taylor in any event.
24. We will be seeking a declaration that the Town Council acted unlawfully) and a quashing order in respect of the 27 February 2020 decision. Our client will thereafter be able to do the things that the decision purports to stop her from doing (for example sitting on committees, being Mayor etc).
25. We will also seek Human Rights damages as the Decision breached Article 10 (please refer to the Ledbury case where this was discussed in some detail).
26. We would expect an unequivocal apology from the Town Council, and payment of our costs.
27. Please also note that all rights are reserved in relation to defamation and additional claims for damages and costs. In this respect, our client will be willing to mediate. In light of the limitation period to issue a Judicial Review Claim, ADR is not possible at this stage in this respect.

Yours faithfully

Roger & Norton

8.4 Response to Letter Before Action

The following emails are in date and time order (the times are also listed). I have highlighted open interaction in **BLUE** and private/solicitor interaction in **RED**, to help follow email conversations in this sub section only. Please also see sections 8.5 and 8.6 for additional timeline.

Email sent by Cllr Lucan Grave to all recipients of the original email on the 14th May 2020, 1:17pm:

Dear all,

I feel this matter is an emergency and definitely requires an EGM

Lucan Grave

Email sent by Cllr Lucan Grave to all recipients of the original email on the 14th May 2020, 1:59pm:

Further my previous email, due to the short time period we have to respond to this, an EGM notice would need to be made today to compensate for the 3 clear day of notice prior the meeting

Kind regards

Councillor Grave

Email sent by Cllr Keith Montague to [REDACTED] and Cllrs Tony Crouch and Beverley Bulmer on the 14th May 2020, 2:36pm:

Hi all

This gets nastier by the day - I would be happy for a Judicial review assuming that Nick and Unite get involved. Talk about calling the kettle black! Not telling grandma how to suck eggs but I think an urgent talk with [REDACTED] for immediate action is called for

Keep smiling Keith

Email sent by Cllr Philip Leslie to all recipients of the original email on the 14th May 2020, 3:19pm:

Dear All,

Having read through the solicitors letter we will need to hold an URGENT meeting. If we need to give 3 clear days notice then this must happen TODAY. I've just spoken with [REDACTED] (office) and she's going to contact [REDACTED] who's in some 'Zoom' conference meetings this afternoon. [REDACTED] asked her to give me a call when she's next available.

Can Cllr Crouch, or anyone in a position to do so, get this underway and instruct the office to hold a meeting on Tuesday? I don't want to miss the chance for the council to find a suitable resolution without going to court and incurring significant costs.

Please can you act on this straight away.

Thanks,

Philip Leslie

Email sent by Cllr Andy Westby to all recipients of the original email on the 14th May 2020, 3:31pm:

Dear All,

Could I reaffirm the points raised by Cllr Leslie. We should all appreciate this is a very serious matter which cannot be ignored and requires urgent attention to secure an equitable resolution without recourse to further expensive legal action.

Kind Regards

Andy Westby

Email sent by Cllr Tony Crouch to all recipients of the original email on the 14th May 2020, 3:31pm:

Dear Councillors,

Note your emails,

As my previous email, I have called a meeting with in 7 days,

This will be on the 1st June 2020,

This negates the calling of a extrodanary meeting,

The Next Election will be May 2021 as per government guidelines..

Regards

Cllr Crouch.

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 14th May 2020, 3:35pm:

I don't think that's the issue at the moment. Have you read the solicitors letter?

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 14th May 2020, 3:36pm:

Dear Cllr Crouch,

Unfortunately, 1 June is too late! Cllr Taylor's letter before action requires a response before **20 May**.

Kind Regards

Andy Westby

Email sent by Cllr Philip Leslie to all recipients of the original email on the 14th May 2020, 4:06pm:

Hi All

If a meeting isn't called before the 20th does it mean we are all happy to go to court. If a reply is sent without a meeting can we be copied in please?

Kind regards

Vera

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 14th May 2020, 4.17pm:

Dear Cllr Crouch,

I have reflected on your email and its implications and would stress that urgent action is required to deal with this matter, as outlined below also by Cllr Leslie. Your acting unilaterally in refusing a meeting or failing to respond by 20 May could have serious implications on you personally. Please would you confirm that an EGM will be convened to review this matter urgently in order than a response may be submitted prior to the 20 May deadline?

To other councillors, I would reaffirm Cllr Dale's points – are you prepared to appear in court to defend the council's actions? I've been to the High Court in London before for the prosecution side and that was bad enough – I'm certainly not happy to appear for the defence!

Something to consider?

Kind Regards

Andy Westby

Email sent by Cllr Andy Westby to all recipients of the original email on the 14th May 2020, 4:37pm:

Dear Cllr Crouch,

I have reflected on your email and its implications and would stress that urgent action is required to deal with this matter, as outlined below also by Cllr Leslie. Your acting unilaterally in refusing a meeting or failing to respond by 20 May could have serious implications on you personally. Please would you confirm that an EGM will be convened to review this matter urgently in order than a response may be submitted prior to the 20 May deadline?

To other councillors, I would reaffirm Cllr Dale's points – are you prepared to appear in court to defend the council's actions? I've been to the High Court in London before for the prosecution side and that was bad enough – I'm certainly not happy to appear for the defence!

Something to consider?

Kind Regards

Andy Westby

Email sent by Cllr Lucan Grave to all recipients of the original email on the 14th May 2020, 4:45pm:

Could some one who has Cllr Crouch's phone number please call him and explain the seriousness of this situation and the importance of having an EGM before the 20th to discuss this matter

Email sent by Cllr Joe Ellis to all recipients of the original email on the 14th May 2020, 5.00pm:

Please can we have an EGM ASAP to discuss this letter as I do not think it will be beneficial for the council to go to court

Regards Joe Ellis

Email sent by [REDACTED] to [REDACTED] on the 14th May 2020, 5:05pm:

Hi [REDACTED]

I have emailed Nick you will call him on his mobile [REDACTED] tomorrow at 1pm to discuss solicitors letter regarding Judicial Review.

Regards

[REDACTED]

Email sent by Cllr Philip Leslie to all recipients of the original email on the 14th May 2020, 5:06pm:

It is now after 5pm and I've not received a phone call from [REDACTED] nor have we had a response from Cllr Crouch, nor has an emergency meeting been announced. Just to be clear, I think we need to hold a meeting in the hope of avoiding this potential legal action against the town council. I like Cllr Dale and Westby, do not want to go to court (especially over someone that I had no part of and counselled against).

Cllr Crouch / [REDACTED] – Please, please, please can we have some response on what you plan to do, including how we will have transparency of any advice given before the deadline and action is taken. I would also like to hear from other councillors across the divide.

Kind regards, Philip Leslie

Email sent by [REDACTED] to all recipients of the original email on the 15th May 2020, 9:02am:

Dear Cllrs

I confirm I have acknowledged receipt of the Solicitor's letter yesterday.

I have forwarded to the Council Solicitor and have a call booked with him later today. On receiving his advice I will be in a position to advise how we should proceed with this matter.

Cllr Leslie, in response to your comment you did not hear from me by 5pm, as advised by the Receptionist who took your call, I was in a Zoom meeting yesterday afternoon.

Kind regards

[REDACTED]

Email sent by Nicholas Hancox to [REDACTED] on the 15th May 2020, 1:51pm:

Dear [REDACTED]

Here is [REDACTED] "virtual business card", showing his phone number and email address.

What you should be looking for, if I may suggest something, is a small team of lawyers to handle this JR. You need a "local government lawyer" ([REDACTED] would be good) to understand the client and how a Town Council works and what the relevant law is - and you also need a Litigator, to handle the mechanics and the tactics of the Judicial Review Litigation. They must work together and, in contacting [REDACTED], it would be best to make sure that he has the same understanding as me, on how these cases are best handled, bringing in specialists from across the law firm.. You should also make sure that demand that they instruct a barrister, preferably from [REDACTED]. You won't need a QC on this one, though, so a Junior barrister will do.

As I said on the phone, I shall be very happy to help your new lawyers with the factual background of the case.

As I also said, the Council is going to need a way of making fast decisions on this case. That might be you making the decisions in consultation with the Mayor etc or perhaps an ad hoc "Litigation Committee". I do appreciate however that getting the full Council to agree to a Litigation Committee might be very difficult.

Best wishes

Nick

Email sent by [REDACTED] to all recipients of the original email on the 15th May 2020, 4:37pm:

Dear Cllrs

Further to my telecom today with the Solicitor, he has advised he cannot handle the Judicial Review case brought by Cllr Taylor as he was involved with the initial matter.

I have approached another Solicitor and await his agreement to represent the Council and subsequent advice, I hope this will be Monday and will update you accordingly.

Please note this matter is confidential at this time and I have been advised should not be shared with Cllr Taylor.

Kind regards

[REDACTED]

Email sent by Cllr Lucan Grave to all recipients of the original email on the 15th May 2020, 4:42pm:

Dear Cllr Crouch,

I have been trying to call you afternoon out of desperation to call a meeting so that council can decide how to progress with the judicial review, unfortunately the land line I have is incorrect and your mobile is busy, all other subjects and feelings set aside, it is imperative that council discuss this and make their own decision, but for that to happen within the time frame a meeting needs to be called.

We cannot wait on the advice from the solicitor, we can look at that during the meeting, but one needs to be called now. If we do not respond we will be expected to defend the council in court, and by my reckoning, but default it would be the [REDACTED] and yourself in the hot seat, if the council lose this review it is going to cost the tax payer, however if we go to court it is potentially going to cost alot more for the court date, but either way that is for council to decide.

I here by request that an extraordinary meeting of full council be called to discuss and decide on the matter on how council responds to the notice of judicial review, I understand that it takes 2 councillors and I'm hoping that another will

join me on this, I will continue to try calling you as this is a matter of almost importance and quite frankly an emergency with a very short window of opportunity.

Regards Cllr Grave

Email sent by Cllr Andy Westby to [REDACTED] and all recipients of the original email on the 15th May 2020, 4:49pm:

This is ridiculous [REDACTED]

We cannot wait until Monday to call a meeting, we need to call it now and have that advice available at the meeting

Email sent by Cllr Andy Westby to all recipients of the original email on the 15th May 2020, 4:56pm:

Agreed – what do we not understand of the urgency to act on this matter?

To consider going to court is utterly ridiculous given the precedents in case law and will cost a fortune. Please can we have a meeting convened asap as it is for the councillors to decide the next course of action by consensus.

Thank you.

Kind Regards

Andy Westby

Email sent by Cllr Lucan Grave to [REDACTED] and all recipients of the original email on the 15th May 2020, 4:57pm:

Dear [REDACTED]

I dont believe that it is correct procedure for you to appoint another solicitor with out council's approval, what you should be doing is asking us how we want to proceed, I am concerned that you have decided for the council that we will challenge this review

Email sent by [REDACTED] to [REDACTED] of Wilkin Chapman LLP solicitors on the 15th May 2020, 5:04pm:

Dear [REDACTED]

I am contacting you as one of our Councillor's has instructed a Solicitor who has issued a letter before action against Attleborough Town Council, see attached.

Our appointed Solicitor, Mr Nicholas Hancox, who assisted us in the initial matter relating to the Councillor, advises he cannot represent us as it would not be appropriate.

We envisage we require a small team of lawyers to handle the Judicial Review notified by the letter. We need a local government lawyer and a Litigator, to handle the mechanics and the tactics of the Judicial Review Litigation. We would need to instruct a barrister, and Mr Hancox has suggested one from [REDACTED] and feels a Junior barrister will suffice. Mr Hancox confirms he is happy to discuss the factual background of the case with you.

Nicholas Hancox [REDACTED]

The Councillor's Solicitor is requesting a response by 20 May so I would be very grateful if you could contact me on Monday, 19 May to discuss this matter further.

Many thanks for your assistance. Kind regards

Email sent by Cllr Lucan Grave to [REDACTED] and all recipients of the original email on the 15th May 2020, 5:08pm:

Dear [REDACTED]

I feel your advice on this matter is conflicted, again why we need to make our own decision, if you disagree please provide councillors with reasons and evidence, this request is urgent and responsible

Email sent by Cllr Joe Ellis to all recipients of the original email on the 15th May 2020, 5:17pm:

Dear all,

As we have not had an opportunity to discuss this as a council, and it seems we will not have the opportunity within the time frame given; I feel it necessary to express views in regard to the notice of judicial review. I believe that the best course of action would be for this council to concede to the points raised in the letter. As a councillor I feel we should not contest and the matter be settled outside of court according to the terms detailed within the letter.

Regards

Joe Ellis

Email sent by Cllr Tony Crouch to all recipients of the original email on the 15th May 2020, 5:22pm:

Dear Councillors,

I have read the letter from Norton & Rogers, I am awaiting advice from Solicitors how to proceed.

Regards Cllr Crouch.

Email sent by Cllr Andy Westby to Cllr Tony Crouch and all recipients of the original email on the 15th May 2020, 5:25pm:

Dear Cllr Crouch,

May I respectfully suggest it is for the whole council to decide how we proceed?

Kind Regards

Andy Westby

Email sent by Cllr Andy Westby to all recipients of the original email on the 15th May 2020, 5:26pm:

It is by not involving all councillors in the first place that has got us into this almighty mess.....

Kind Regards

Andy Westby

Email sent by Cllr Andy Westby to Cllr Tony Crouch and all recipients of the original email on the 15th May 2020, 5:28pm:

With all due respect Cllr Crouch, it is not your decision on as to how to proceed following any advice, nor the [REDACTED]

It is the Council as a whole, in simple terms, Councillors.

Again can I remind you as Chair the only Authority you have is a casting vote, if ever required.

Can you confirm this is the case?

Can I also ask why you have considered it not important, or critical enough to hold a EM when the Council is in such dire straits.

Regards

Email sent by Cllr Andy Westby to Cllr Tony Crouch and all recipients of the original email on the 15th May 2020, 5:44pm:

Because of the enormity, seriousness and urgency of the matter (fact, not many Town Councils, very few, are issued with JD requests to the High Court, Attleborough can be proud of being in that select minority)

If I get no response by Sunday, I take it you agree with my e mail.

Many thanks

Email sent by Cllr Philip Leslie to all recipients of the original email on the 15th May 2020, 6:13pm:

I'm disappointed that no meeting has been arranged and having taken the time to carefully read through the letter from Rogers and Norton, I too want to make my view known to town council members and the [REDACTED]

This is a very serious matter and there is clearly sufficient reason to believe that the town council would lose a judicial review and incur very significant costs. We should concede the points and seek to settle this out of court.

Kind regards,

Philip Leslie

Email sent by Cllr Joe Ellis to all recipients of the original email on the 16th May 2020, 5:18pm:

Dear all,

As we have not had an opportunity to discuss this as a council, and it seems we will not have the opportunity within the time frame given; I feel it necessary to express views in regard to the notice of judicial review. I believe that the best course of action would be for this council to concede to the points raised in the letter. As a councillor I feel we should not contest and the matter be settled outside of court according to the terms detailed within the letter.

Regards, Joe Ellis

Email sent by Cllr Edward Tyrer to [REDACTED] and all recipients of the original email on the 16th May 2020, 5:37pm:

For the attention of the [REDACTED]

Re. email from Rogers & Norton Solicitors and attached letter dated 14 May 2021.

I wish to clearly express my view that as an individual Councillor, and as a Council as a whole, I believe that we should concede the points raised in the letter.

Given the formal timescales required, it seems that through inaction following the receipt of the Rogers & Norton e-mail, and despite a number of urgent requests made to Councillor Crouch, the Council will now not be able to meet before the deadline of 20 May to discuss this urgent and serious issue. This means we will not have the opportunity to decide how to proceed as a Council.

Therefore I feel it necessary to set out my position that we as a Council should not contest the Judicial Review, and we should accept the terms of the offer within the Rogers & Norton letter.

I would like confirmation from the [REDACTED] of receipt of this e-mail.

Regards

Councillor Edward Tyrer

Email sent by Cllr Lucan Grave to [REDACTED] and all recipients of the original email on the 16th May 2020, 7:03pm:

Dear [REDACTED] and fellow councillors,

I am devastated that we will not have the chance to discuss this matter of judicial review as a council within the given timeframe, despite frequent emails and even a phone call to the mayor to plead that we are given the opportunity, I dont believe that we have the chance now to make our choice on whether we concede or not, which is a massive shame, this was our choice to make and by waiting for advice and not calling a meeting it has been taken away from us, by going to court this means the each and every one of us will likely be called to the stand to defend the council, is that something every wants to do?

And so I to make my position on this matter clear; I feel as a council we should concede to the points in the notice letter for judicial review, I dont believe the council would be able to defend itself adequately and would be a huge cost, personally I feel the best scenario would be to settle out side of court rather than try to contest.

Kind regards,

Lucan Khan Grave

Email sent by Cllr Andy Westby to all recipients of the original email on the 16th May 2020, 7:21pm:

Dear [REDACTED] Chairman and fellow Councillors,

Re: Letter before action - Cllr Taylor

I have now had the opportunity to fully digest the content of the letter before action received from Rogers & Norton solicitors on 14 May.

I must express my utter dismay that this matter does not appear to have been taken seriously and has not been referred to the Council, in the form of an Extraordinary General Meeting, so that a response can be formulated and expedited by consensus. Instead, to date the [REDACTED] has prevaricated and sought the advice of the Council's solicitor, despite him being clearly conflicted in this matter, and subsequently sought the advice of an alternative solicitor (identity unknown) unilaterally and without reference to Councillors for authority to do so. This time wasted leaves us in a position where this matter cannot now be debated prior to the deadline for response on 20 May. Notwithstanding any delegated authority to act which may stand, these are exceptional circumstances and equally the [REDACTED] is conflicted also due to her involvement in the matters under consideration.

Given the above and for the avoidance of doubt, I feel it necessary to unequivocally state my position. I am strongly against any move to contest the advocated Judicial Review, which risks immense cost to the public purse given the precedent case law. I believe that an out of court settlement should be negotiated in line with the terms outlined in the Rogers & Norton letter to secure an outcome on the most favourable terms, both financially and reputationally for the Council, the individuals implicated in the claim and, most importantly, the town of Attleborough.

I would be grateful if the [REDACTED] would kindly acknowledge receipt of this correspondence.

Cllr Andrew Westby

Email sent by Cllr Vera Dale to all recipients of the original email on the 17th May 2020, 5:01pm:

Dear All

When I became a Councillor I never dreamed I could be in court along with my fellow Councillors but the letter from Rogers and Norton might change this if we do not act before the 20th of May. As there isn't a meeting before June 1st I assume but that the Council is accepting Rodgers and Norton's offer which I would support. Although this will be at a costly but not as costly as attending a Judicial Review court hearing.

I am concerned about the money which belongs to our residence and the reputation of our Council and the Town of Attleborough.

Please can ALL Councillors be kept up to date as it effects every one of us.

Kind regards Vera

Email sent by [REDACTED] of Wilkin Chapman LLP solicitors to [REDACTED] on the 18th May 2020, 10:16am:

Dear [REDACTED]

Thank you for your email. I was on leave on Friday and have just read the contents of the letter from the solicitors for Cllr Talia Taylor.

I have left you a voicemail asking you to telephone me as a matter of urgency. I regret to say that there are two significant problems:-

1. The solicitors will have to issue proceedings by 27th May and will do so to protect their interests if no agreement is reached with the Town Council;
2. If all that the solicitors say is true, then I have grave concerns as to the lawfulness of the Council's actions.

Please contact me as soon as possible. Kind regards,

[REDACTED]

Email sent by [REDACTED] to [REDACTED] of Wilkin Chapman LLP solicitors on the 18th May 2020, 1:49pm:

Hello [REDACTED]

Further to our telecom, I have attached the original motion signed by the Councillors, the agenda of the meeting on 27 February and the previous on 17 which had to be abandoned due to public disruption. I also attach the minutes for the 27 February produced by Nick Hancox all for your consideration.

Kind regards

[REDACTED]

Email sent by [REDACTED] to all recipients of the original email on the 18th May 2020, 2:22pm:

Dear Cllrs

Thank you for your emails regarding the letter before action and I confirm receipt and note your various comments.

I confirm I await advice from the newly approached Solicitor and will update you all once received. I am not able to pre-empt what the advice will be and suggest we wait until we have same before making any decisions.

Kind regards [REDACTED]

Email sent by Cllr Lucan Grave to [REDACTED] and all recipients of the original email on the 18th May 2020, 3:54pm:

I'm sorry [REDACTED] however this is not a decision for you to make, this is for the council, so whether you are awaiting advice or not is irrelevant, why have the council not been give the opportunity to make their decision. Again you should not be appointing solicitors without councils approval, and again I feel that you would be conflicted in this issue.

Email sent by Cllr Lucan Grave to [REDACTED] and Cllr Tony Crouch, and all recipients of the original email on the 18th May 2020, 4:14pm:

[REDACTED] and Chair,

I think you have totally missed the point, and either have ignored it or just don't understand, which is serious.

Requests have been made for a EM to discuss this matter urgently. There are timescales associated with that, which through inaction, dithering or lack of understanding now means a meeting, for Councillors to decide, has now passed to reach any decisions before 20 May.

Any advice being sought from any legal representation could have been put forward at that meeting, and informed decisions made by the Council.

To wait for this advice before considering a meeting, which is now impossible, is incompetent quite frankly.

Regards

Email sent by [REDACTED] of Wilkin Chapman LLP solicitors to [REDACTED] on the 18th May 2020, 4:46pm:

I have just spoken to [REDACTED] and [REDACTED] at Anthony Collins Solicitors, the firm who acted for [REDACTED]. They have the time and resources to act for the Council.

I will forward your two emails to [REDACTED] and she will contact you direct. She is aware of the deadline.

Email sent by Cllr Andy Westby to all recipients of the original email on the 18th May 2020, 5:06pm:

I cannot begin to understand how we find ourselves in a position where we are no further forwards two (working) days after receipt of the Letter before Action due to dithering over such an important matter.

It is not for the [REDACTED] the Chairman, or any other individual for that matter, to determine the Council's response, nor seek legal advice from sources unknown. Put simply, it is for individuals to implement the will of the Council, not for the Council or elements of it to blindly accede to the will of the individual(s). It is for ALL Councillors collectively to decide the next course of action. There are two options - either contest the JR or agree terms based upon the solicitor's letter. I have stated my preference previously, but it should be a consensus decision by ALL Councillors. We had ample opportunity to convene an EGM at which the necessary issues could have been discussed and a response agreed, and any necessary legal advice could have been presented to the meeting. Instead, the lack of will to arrange such a meeting means that opportunity has passed and raises more questions of lack of judgement, competence, understanding or worse?

Frankly, I am horrified to think that the Council could well now be drawn into a legal confrontation by default, through inaction and without reference to Councillors. Highly irregular in my view.

Kind Regards

Andy Westby

Email sent by Cllr Edward Tyrer to [REDACTED] and all recipients of the original email on the 18th May 2020, 5:36pm:

For clarity [REDACTED] can you please confirm the names of those Councillors requiring confirmation of receipt of previous email for the record.

Regards

Email sent by [REDACTED] to Cllrs Tony Crouch, Keith Montague, and Beverley Bulmer on the 19th May 2020, 11:00am:

Hello Keith, Tony and Beverley

To update you, the first Solicitor I have approached cannot take on the case but has suggested another firm. He has contacted them and advised they are agreeable and will be in touch.

I will give them until lunch and then chase them up on this matter, however, I do not think it is likely I will have advice ready for a response tomorrow and anything significant will likely need to be put before Councillors. I have drafted as below which I will send before close today unless the new Solicitor advises otherwise or you wish to amend – please confirm by return

Many thanks [REDACTED]

Dear Sirs

Further to your Letter before Action, sent with a response deadline of 20 May 2020, which only allowed 4 working days. Attleborough Town Council is not able to provide any decision at this time as our appointed Solicitor provided the initial advice to the Council involving Cllr Taylor and cannot therefore advise us further.

We are seeking representation from a new Solicitor and will respond fully once the new appointment has been made and advice received. Attleborough Town Council seeks your agreement to an extension of response time.

I await your reply.

regards

██████████

Email sent by ██████████ of Anthony Colins Solicitors to ██████████ on the 19th May 2020, 1:34pm:

Hi ██████████

Good to talk to you just now. I will be in touch later on after I have spoken to my litigation colleagues.

Best wishes,

██████████

Email sent by ██████████ of Anthony Colins Solicitors to ██████████ on the 19th May 2020, 2:38pm:

Many thanks ██████████

Kind regards

██████████

Email sent by ██████████ of Anthony Colins Solicitors to ██████████ on the 19th May 2020, 3:20pm:

Dear ██████████

I have just had a call with my litigation colleagues and discussed the situation as we know it to be at present from the information we have.

██████████ and ██████████ have advised that the solicitors acting for Cllr Taylor have not, in a number of aspects, followed the process set out in the court rules. Accordingly, if we are instructed we would suggest that a letter goes back to them by the noon tomorrow deadline pointing this out. Whilst given the timing this may not dissuade them from issuing proceedings given the three month deadline for Judicial Review which expires on 27th May, we think that it is certainly worth responding in this way as it may go in the Town Councils favour in some respects as regards costs down the line. You will appreciate that we cannot guarantee this however.

We would not advise that a substantive response to the claims in the letter is done at this stage; and we are not in a position to do so in any event given the limited information we have.

However, this will protect the Town Councils position best and in the meantime we can, if so instructed, investigate and advise further; especially in relation to the advice the Town Council received and the role of the Monitoring Officer. What would help us is to see as much information as you are able to provide please. We will also consider the question of the possible conflicts of interest that seem to be apparent and advise on how those can be best dealt with.

You asked me about our rates and I said that we would recommend instructing us through the Crown Commercial Services Framework which enables direct awards for all public bodies. I have attached a note about this which includes fee rates and an indication of how you can access. However, if you wanted to instruct us without going through the framework we will honour those rates.

Please don't hesitate to contact me to discuss further once you have been in touch with your members.

Best wishes,

██████████

Email sent by ██████████ to Cllr Tony Crouch on the 19th May 2020, 3:50pm:

Hi Tony

As discussed, I will send out the email shortly to all Councillors requesting approval of the appointment of the new Solicitor.

Kind regards

██████████

Email sent by ██████████ to all recipients of the original email on the 19th May 2020, 4:28pm:

Dear Cllrs

The first Solicitor I approached to represent ATC and respond to the "Letter before Action"/Judicial Review case brought against the Council by Cllr Taylor, has not been able to accept the case. An alternative has now been found who is also an experienced local government solicitor and, after preliminary communication, is willing and available. In the best interests and to protect the Council it is imperative appropriate legal representation is found.

The new Solicitor works under the Crown Commercial Services Framework and will therefore have a standard fee scale.

I would ask Councillors to respond by return to confirm their agreement to this appointment to enable a response to be made to Rogers & Norton asap tomorrow morning.

Thanking you for your co-operation

regards

██████████

Email sent by Cllr Beverley Bulmer to ██████████ and all recipients of the original email on the 19th May 2020, 4:32pm:

Dear ██████████

Being one of the Councillors who stands by the decision made in February I am in full agreement as to proceed without an understanding of the legalities seems unwise

warm regards

Beverley

Email sent by Cllr Barry Cousins to ██████████ and all recipients of the original email on the 19th May 2020, 4:35pm:

I agree ██████████ warm regards Barry

Email sent by Cllr Tony Crouch to ██████████ and all recipients of the original email on the 19th May 2020, 4:39pm:

Hi ██████████

Yes I agree to the appointment of Solicitors at act on our behalf.

Regards

Cllr Crouch.

Email sent by Cllr Lucan Grave to ██████████ and all recipients of the original email on the 19th May 2020, 4:45pm:

Good afternoon all,

The appointment of a solicitor should not be our priority right now, make our decision on how we want to respond is, as stated previously this is a council decision and whether we have a solicitor or not we need to make that decision for a response to be sent. Half of this council sent their positions on the matter at the weekend, while the other half have been completely quiet?

As for the appointment of a solicitor, I object, as you have provided no information about said solicitor

Email sent by Cllr Philip Leslie to ██████████ and all recipients of the original email on the 19th May 2020, 4:54pm:

██████████

To help me make my decision, please could you provide the solicitors details so I can make the appropriate checks this evening and are they able to give initial advice before the deadline?

Kind regards,

Philip Leslie

Email sent by Cllr Andy Westby to ██████████ and all recipients of the original email on the 19th May 2020, 4:59pm:

Dear ██████████

It would be negligent and reckless of me to confirm agreement to this course of action without knowing further details, specifically:

- The name and practice of the chosen solicitor and details of their relative experience to deal with this matter;
- Details of what they have actually been instructed to undertake on the Council's behalf;

- An indication of the likely cost of their appointment. Under SRA rules a solicitor is obliged to provide a fee proposal at the time of their instruction, and this should be made known to councillors as it may affect their judgement.

Notwithstanding the above fundamental questions, of more importance, as alluded to by Cllr Grave, is that Councillors and not a solicitor should determine how this matter is approached in principle. Any self-respecting solicitor cannot provide sensible advice at this short notice prior to the stipulated deadline of 12 noon tomorrow, therefore as a Council we need to decide ourselves; are we contesting the JR or agreeing terms out of court, following which appropriate legal advice may be sought to deal with the chosen course of action on the most favourable terms.

Blindly agreeing to the proposed instruction without further facts to hand frankly beggars belief. We all have to make our own informed decisions.

Kind Regards

Andy Westby

Email sent by Cllr Tony Crouch to [REDACTED] on the 19th May 2020, 5:02pm:

Hi [REDACTED]

We will have to be carefull how much info we let them have,

Regards

Tony

Email sent by Cllr Beverley Bulmer to Cllr Andy Westby and all recipients of the original email on the 19th May 2020, 5.07pm:

From my perspective, to blindly agree with the terms and concede with the Judicial review is not a sensible or acceptable way forward

So if the question at this point has changed to whether we allow the Judicial Review to proceed, then I would have to agree with it taking place.

Hence the reason for seeking advice first but if that is not an option then I agree to the Judicial review and all that entails.

warm regards

Beverley

Email reply from sent by Cllr Anthony Busk to Cllr Philip Leslie on the 19th May 2020, 5:08pm:

The date is a threat. We need to get control

Anthony

Email sent by Cllr Anthony Busk to [REDACTED] and all recipients of the original email on the 19th May 2020, 5:15pm:

[REDACTED]

I would agree to this new appointment as outlined in your email.

Kind regards,

Anthony

Email sent by Cllr Dorothy Redmond to [REDACTED] and all recipients of the original email on the 19th May 2020, 5:18pm:

Hello [REDACTED]

I confirm I am happy for the new solicitor to represent us in this matter and reply to the letter of action. I do not agree that we should yield in this matter.

Kind regards Dorothy

Email sent by Cllr Andy Westby to Cllr Beverley Bulmer and all recipients of the original email on the 19th May 2020, 5.19pm:

To be clear, my point was to not blindly instruct a solicitor without more detail, nothing to do with the course of action to be taken - that should be decided by the Council – although granted I have made my personal position clear on the basis of salvaging the Council's reputation and the public purse from this unholy mess.

Kind Regards

Andy Westby

Email sent by Cllr Keith Montague to [REDACTED] and all recipients of the original email on the 19th May 2020, 5.20pm:

Good evening [REDACTED]

I totally agree to employing a solicitor to represent the council.

If Nick has put this firm forward I would support the decision

Kind regards Keith

Email sent by Cllr Edward Tyrer to [REDACTED] and Cllr Tony Crouch, and all recipients of the original email on the 19th May 2020, 5.28pm:

Chair, [REDACTED]

I am dismayed, though not surprised by this strategy. That is, ignore a correct and legitimate request for a EM for Councillors to decide as to how to proceed.

All that has happened is the silent majority have enabled the [REDACTED] to seek to find a Solicitor who will take the case on. It is inevitable that some Solicitor will, it equals a big pay day for them, at the cost of the town.

As echoed, before I make any decision, and that decision should be held by a meeting, virtually, can the [REDACTED] please pass on details as to the reason one solicitor declined, and why one accepted, without indicating a fee.

What is the remit of said Solicitor and the brief for them. Who has written or agreed to the brief, assuming one has been issued.

The fees will in total exceed [REDACTED] £5k budget, so needs to be agreed by Council.

What evidence has said Solicitor seen to agree to take the case. And why can't all Councillors see the evidence as to why the Council May feel they have any chance of winning. It is not in the power of [REDACTED] to withhold that from us as Councillors.

Why is the [REDACTED] even discussing this and being involved as she is the main body making the complaint, and is conflicted. If she is not I have asked previously why she thinks she is not. No reply.

Cllr Bulmer, seeking advice, what does that mean? Some Solicitor say yes I'll accept? On what basis does he measure success, and chances. Have you in the inner sanctum been told that, or why one said no? You will be asked this in Court possibly.

I expect full answers to these basic questions before any decision is made.

The silence and lack of thought from the Chair in all this is criminal and demonstrates total lack of competence and leadership, again. He is merely taking direction from the [REDACTED] who has a vested interest.

This is absurd.

Regards

Email sent by Cllr Keith Montague to all recipients of the original email on the 19th May 2020, 5:37pm:

I feel great regret that we have had so much aggravation and nastiness and that we now find ourselves in this serious situation.

Council meetings should be cordial and Councillors should be respectful and be able to have a healthy, informed discussion without such bad feelings arising at a personal level.

Whilst I accept that a Judicial Review will be costly, if that is the way forward - so be it. I await legal advice.

The Council have not called for this to happen, but if it does go ahead I am sure we have a robust defence.

It may be even more costly if after lockdown, Unite commence legal action against Council for not being able to implement a proper duty of care system. Irrespective of whether there is a Judicial Review or not - this matter is still unresolved, even though it is where this whole thing started.

I do not accept the Rogers & Norton offer of capitulation which looks to dismiss a legitimate decision.

If the alternative is a Judicial Review then I suggest we go ahead.

Email sent by Cllr Joe Ellis to all recipients of the original email on the 19th May 2020, 5:52pm:

Good evening all.

I think that appointing a solicitor at this moment in time without any further information about the said solicitor would be wrong. As I said in the email I sent you over the weekend that we accept the terms of the letter from Rogers and Norton and hopefully save the tax payers of Attleborough a lot of money.

Regards Joe Ellis

Email sent by Cllr Edward Tyrer to all recipients of the original email on the 19th May 2020, 6.11pm:

Can I politely remind all Councillors that any decision made via an e mail yes or no, as requested by the [REDACTED] is against SO, as nearly half of the Council have not seen any information, evidence in any shape way or form, and some other Councillors admitting to this, so you are excluding half the Council from making an informed decision.

You rightly say Cllr Montague, it is regrettable, however you instigated this when you and others purposefully, intentionally and strategically excluded 7 Councillors from the motion in February. You are now doing exactly the same with this decision.

I am sure this will be looked at with great interest in due course.

Regards

In response to an email from Cllr Anthony Busk, Cllr Philip Leslie sent the following reply on the 19th May 2020, 7:27pm:

Please read the solicitors letter and the case they reference. That case is almost identical to the one brought against the town council. No sane person could possibly suggest that we have any chance of defending this, especially as it was a recent high court ruling.

I fear the only reason we're not settling this is down to pride. Invested individuals seeking to cover their sins, who simply don't care how much public money they spend in the hope of avoiding the consequences of their self serving choices.

I can't even comprehend that councillors would approve a solicitor without even asking the most basic of questions. The clock has been run down by those hoping to manipulate others and force them to tow the line, repeating the same mistakes that brought this serious crisis to a head.

There are now so many breaches of our standing orders, rules and regulations that all trust has evaporated. And so it continues.

I reiterate from an earlier email that I've investigated this for myself. I know the facts, not the spin that has blinded those councillors who continue to only make comment when told too, and never ask the searching questions necessary to reveal the truth.

Alas, I fear my words are in vain and we will end up in court, at great cost and the ever decreasing regard of our community. Heaven hope those who voted this sad affair through the council, they be ripped to pieces in the high court, something I was hoping to avoid.

So to my final appeal, please don't align yourself to this unlawful action.

Warm regards,

Philip

Email sent by Cllr Vera Dale to all recipients of the original email on the 19th May 2020, 8:21pm:

Dear all

I would like to know who the Solicitor is the cost and his brief before I can make a decision.

It is a shame that this it all being done to a tight time scale. Whatever happens the Councils reputation will be in tatters. There will be only one loser and that will be the Residents of Attleborough as the money this is going to cost could have been spent in the Town and if there had been more transparency I am sure this could have been avoided. What we have ended up with is a very split Council with no winners

Sadly yours Vera Dale

Email sent by Cllr Edward Tyrer to all recipients of the original email on the 19th May 2020, 8:21pm:

The decision tomorrow should have been made and requested correctly via an EGM is:

Does the Council wish to contest the JD? Yes or No?

The choice of Solicitor appointed to defend the Council (if it decides yes), is a secondary issue and does not warrant the energy being expended at this stage.

Chair, how are you proposing to conduct this very important decision which, as you are aware, has significant implications for the use of public money?

As a Councillor I formally request that a response is made available to us all by 10.00, 20 May 2020. It is essential that Councillors are able to make a well informed decision that we can all defend, either In High Court or to the public and businesses of Attleborough and potentially in the national press.

I look forward to your prompt response.

Regards

Email sent by Cllr Beverley Bulmer to all recipients of the original email on the 19th May 2020, 8:32pm:

It is interesting as this seems to be a chicken and egg situation.

Some feeling that the decision about whether to accept the letter or not should be decided without legal advice and others feeling the decision can be made without it.

For me to make a clear choice on whether to accept or refuse the matter in hand , I personally need to understand all aspects, for which a solicitors opinion is vital and if there were an EM I would require that advice to be available there in order to make an informed decision - so it seems to make sense to have this available before any EM is held in order for us to properly debate the potential outcomes of both scenarios

If the concern is really about the money collected from the taxpayers of Attleborough (of which we are all included) then may I be so bold as to say the JR would perhaps not have been asked for in the first place

Email sent by Cllr Philip Leslie to all recipients of the original email on the 19th May 2020, 9:31pm:

In the hope that understanding the legal position may persuade councillors to act in a responsible manner.

VERY IMPORTANT

Please listen to the following legal case review, which was referenced in solicitors letter:

<https://www.anthonycollins.com/resources/webinars-and-podcasts/webinar-the-impact-of-harvey-v-ledbury-town-council-managing-standards-and-staff/>

Keith, you can not listen to this and say you could mount a robust defence - it simply isn't possible. The similarities are striking and clearly demonstrates Attleborough Town Council acted unlawfully. Remember this review is by specialist local government solicitors.

This saves us time and money. Let's settle and move on. The argument is over - what solicitor is going to argue against this ruling which was made in the high court when our case is so similar?

Well I've given the chance for every councillor to review this legal advice well before the deadline. No councillor can listen to this and in good conscience not agree to settle (Beverley I hope this answers your queries and removes the need to await for further costly legal advice - it's just been supplied and couldn't be clearer).

The only way the debate goes on is in the face of these facts (this is not speculation or partial to one side or the other, just transparent for all to see for themselves).

So I guess we'll see how councillors agree to proceed tomorrow.

Kind regards,

Philip Leslie

Email sent by Cllr Beverly Bulmer to all recipients of the original email on the 20th May 2020, 8:27am:

Dear Phil

Thank you for this it was an interesting listen and exposes beautifully how a member has successfully diverted the issue of bad behaviour and made it all about legal process, with themselves being a victim of that.

Yes I know correct process has to be followed but it also shows that the law, if picked apart, can support those in wrong doing.

Just because the law proves one thing with all it's technicalities, it does not make it correct on all levels of integrity.

That is how some in reality do actually get away with murder so to speak, when everybody knows the truth of what really happened.

This is not a new concept and something we have all bore witness to in our lives from other high end public legal cases. This has no doubt been the case for many, many decades since the judicial system has been formulated.

Each side looking for that tiny bit of law that gets them off the hook and diverts the issue to another focus.

I still keep coming back to the original focus, which is the fact that the staff have raised concerns and we as a council are failing in a duty of care for them - this fact has not altered and it looks like the question is being asked to put this aside and carry on as we focus on process - and ignoring the behaviour.

I do not feel that to be a solution - perhaps the next step is maybe not the Judicial review but the Unite Union to take this further - or maybe a combination of the two.

From where I stand I still feel that legal advice is paramount here before a choice is made on how to proceed. It is not sensible to do otherwise.

warm regards

Beverley

Email sent by Cllr Philip Leslie to all recipients of the original email on the 20th May 2020, 8:58am:

Thanks Beverley – At least you can see from a legal viewpoint the council can't defend it's actions and will end up either conceding the points or losing a very expensive case. You can of course wait for another solicitor to tell you something more to your liking, but it won't change the law – which was clearly broken.

As I've consistently said from the beginning, mediation was the only real hope of resolving any perceived issues but I fear it's now too late. All trust has evaporated and those outside the 8 who signed this unlawful action (which has resulted in horrid mess) have been alienated to the point that I can't see how we can function as a council again. It's been a catalogue of poor leadership and decision making, more so than I have ever witnessed in any field of my experience.

It's the morning of another day when a significant decision must be made and it pains me to think that despite all the evidence provided and in the face of the most basic of common sense this town council will make yet another costly, embarrassing, and plainly wrong choice. Whilst those of us who have performed our due diligence in researching what decision should be made, but are in no position to act upon the obvious advice, look on in abstract horror as this town council finds yet another way to sink lower in the esteem of it's community.

Maybe you'll surprise me?

Philip Leslie

Email sent by [REDACTED] of Anthony Colins Solicitors to [REDACTED] on the 20th May 2020, 9:30am:

Hello [REDACTED]

Hope you are keeping well. Is there any movement you can give us on this please? I am conscious that we only have just over a couple of hours to respond.

Best wishes, [REDACTED]

Email sent by Cllr Keith Montague to [REDACTED] and Cllrs Tony Crouch and Beverley Bulmer on the 20th May 2020, 9:34am:

Hi [REDACTED]

Thank you. We will need to make a decision as to whether we go forward to JR

It does seem that according to the Ledbury case item 93 the council cannot suspend or remove councillors from particular committees - in fact we have no power to bring "out of control" councillors to book. As I understand it the Monitoring officer, Nick and a QC in London all said that we could and we took legal advice all along.

Before we decide I think we are going to have to get advice from the new solicitor - perhaps you have other thoughts?

Kindest regards Keith

Email sent by Cllr Jaqueline Roper to [REDACTED] on the 20th May 2020, 9:34am:

Hi [REDACTED]

Are you able to give us any details on costing for this? I do not know what the normal process is whether it is okay just to pick one, or are we bound to consider more than one? A bit like quotes but naturally very different.

I appreciate who ever it may be it will be costly and councillors will argue that cost.

I feel we should proceed with a solicitor so you can count that to the numbers this morning in agreement but naturally I would like to know about potential costs incurred.

I feel fine about going to court if we have to, this may be the only way we can draw some kind of conclusion and peace on the matter whatever the outcome in order to get back to the focus of a functional council. I still feel staffs protection is paramount.

Warm regards

Jacqueline

Email sent by [REDACTED] to [REDACTED] of Anthony Colins Solicitors on the 20th May 2020, 9:46am:

Hello [REDACTED]

Thanks for your emails.

I am counting up my responses, I have the usual split with one side against your appointment.

I am seriously considering calling in the external auditor as I feel by suggesting we handle this without a solicitor is ridiculous and a serious risk to the Council, do you feel this would be appropriate as I do not feel I will get any support from the Breckland Council MO?

Be in touch soon once I have spoken to the Mayor and Committee Chairmen. Kind regards

[REDACTED]

Email sent by [REDACTED] of Anthony Colins Solicitors to [REDACTED] on the 20th May 2020, 9:50am:

Hello [REDACTED]

Many thanks and from what you told me yesterday I am, sadly, not surprised.

All I can say is that acting within your procedures and given the urgency there now is I think that the council has to act to protect its position. If the Council does not appoint competent lawyers experienced in this area of law my feeling is that it will not be doing that.

And time is now very short.

Best wishes,

[REDACTED]

Email sent by [REDACTED] to Cllrs Keith Montague, Cllrs Tony Crouch, and Beverley Bulmer on the 20th May 2020, 9:51am:

Hi Keith

It is all such a mess I am not sure what is best, I just advised the Solicitor and await her further reply.

For clarity, this Solicitor is not the one advised by Nick, the one who couldn't do it suggested them as they handled the Ledbury case.

I am seriously considering calling in the external auditor as I feel the suggestion to not have a solicitor is ridiculous and putting the council at high financial risk. I did consider this some time ago and regret not doing it to be honest. Somebody, somewhere, has to put an end to this madness!

Speak soon [REDACTED]

Email sent by Cllr Keith Montague to [REDACTED] and Cllrs Tony Crouch and Beverley Bulmer on the 20th May 2020, 10:00am:

Hi [REDACTED]

Seems a good choice of solicitor. see whether she thinks we have a case or not. Agree we have to sort the madness out somehow.

Let me have log in for this mornings Zoom - is it 1030 or 1100?

Kindest regards Keith

Email sent by [REDACTED] to [REDACTED] of Anthony Colins Solicitors on the 20th May 2020, 10:01am:

[REDACTED]
I totally agree but would like to keep my job which is very vulnerable at the moment. I have already been told I have no right to appoint you as I have an interest!

I will come back to you asap once I have spoken to the Chairmen and got their confirmed back up. Kind regards

[REDACTED]
Email sent by Cllr Vera Dale to [REDACTED] on the 20th May 2020, 10:01am:

Good morning [REDACTED]

Please can I ask what would be your instructions to a Solicitor.

Kind regards Vera

Email sent by [REDACTED] to recipients of the original email on the 20th May 2020, 10:06am:

Dear Cllrs

Please see the attached fee rates for your info.

I note several of you have objected to the appointment of a Solicitor at this time and can only reiterate the requirement to protect the Council and the deadline which is now less than 2 hours away.

regards

[REDACTED]
Email sent by [REDACTED] to Cllrs Keith Montague, Cllrs Tony Crouch, and Beverley Bulmer on the 20th May 2020, 10:06am:

Hi Keith

Sorry, haven't had a chance to send Zoom, will do asap Thanks

[REDACTED]
Email sent by [REDACTED] to Cllr Vera Dale on the 20th May 2020, 10:10am:

Hello Vera

Thank you for your query, I have not issued any instructions to the Solicitor, simply told them the situation and sent the R&N letter. They are the experts, surely it is for them to advise Council, I cannot pre-empt their response.

Kind regards [REDACTED]

Email sent by Cllr Andy Westby to [REDACTED] and all recipients of the original email on the 20th May 2020, 10:10am:

Thank you for this. Please could you also confirm the identity of the solicitor and the remit on which they are to be instructed, as requested yesterday?

Thank you in anticipation.

Kind Regards

Andy Westby

Email sent by Cllr Edward Tyrer to [REDACTED] and all recipients of the original email on the 20th May 2020, 10:16am:

[REDACTED]
For the public record, I do not support the Council in:

1. Contesting the JR
2. Appointment of a Solicitor, which no brief has been presented to Councillors, nor who the Solicitor is and their experience.

I also would like an explanation that can be made public as to why no EM was arranged when 2 Councillors and others requested one to debate this.

I would like that explanation this morning.

Also can I ask, have Unite been informed of the JR?

I would also like all votes recorded for transparency and sent to Councillors.

Regards

Email sent by Cllr Vera Dale to [REDACTED] on the 20th May 2020, 10:22am:

Thank you for your reply

By that I take it they will advise the Council on the way forward too settle out of court or go for the JR. I am sorry to bother you but for me I need to know where we are.

Kind regards Vera

Email sent by Cllr Tony Crouch to [REDACTED] and Cllrs Keith Montague and Beverley Bulmer on the 20th May 2020, 10:25am:

Hi [REDACTED]

What was the out come in numbers for the Solicitor.

Regards

Tony

Email sent by [REDACTED] to Cllrs Keith Montague, Cllrs Tony Crouch, and Beverley Bulmer on the 20th May 2020, 10:26am:

Hi Tony

Can you come onto Zoom meeting at 10.30 to discuss please [REDACTED] is inviting you to a scheduled Zoom meeting.

Email sent by [REDACTED] of Anthony Colins Solicitors to [REDACTED] on the 20th May 2020, 10:31am:

Hello [REDACTED]

Thanks and I appreciate your concern. I think that your members need to be clear though that if instructed we would be representing the council and acting purely in the councils best interests.

Best wishes,

[REDACTED]

Email sent by [REDACTED] to [REDACTED] of Anthony Colins Solicitors on the 20th May 2020, 11:13am:

Hi [REDACTED]

Thanks I have just spoken to the my Chairman, I will email the instruction separately. Regards

[REDACTED]

Email sent by Cllr Tony Crouch to [REDACTED] and Cllrs Keith Montague and Beverley Bulmer on the 20th May 2020, 11:17am:

Hi [REDACTED]

Please go ahead and instruct solicitors - we need to protect the interests of the council. Keith

As disussed today, Can you please instruct the Solicitor as soon as possible to act for the Council, as agreed by 7 Councillors this via email.

Regards

Tony

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 20th May 2020, 11:19am:

Cllr Crouch,

With less than an hour to go, please could you let us know what response the town council will be sending to Cllr Taylors solicitor?

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 20th May 2020, 11:22am:

I would reaffirm Cllr Leslie's request – please update all Councillors as to the Council proposed course of action.

Kind Regards

Andy Westby

Email sent by Cllr Lucan Grave to all recipients of the original email on the 20th May 2020, 11:40am:

Where is this solicitor based? We already paid for ridiculous travel cost for the previous, are there not local solicitors?

I have already made my views clear on the judicial review, I think we should not be going to court, having listened to the ledbury case last night I feel even more strongly about conceding

Email sent by Cllr Joe Ellis to all recipients of the original email on the 20th May 2020, 11:50am:

I have to agree with councilor Grave on this issue.

Regards

Joe Ellis

Email sent by Cllr Philip Leslie to all recipients of the original email on the 20th May 2020, 11:51am:

10 minutes to go! Has a response already been sent?

Philip Leslie

Email sent by Cllr Andy Westby to all recipients of the original email on the 20th May 2020, 11:57am:

With five minutes to go and in a spirit of openness please could somebody advise what is happening please?

Kind Regards

Andy Westby

Email sent by Cllr Edward Tyrer to all recipients of the original email on the 20th May 2020, 12:09pm:

Suspect you have your answer Andy, re openness.

Email sent by Cllr Philip Leslie to all recipients of the original email on the 20st May 2020, 12:28pm:

Well time is up and I am none the wiser! We simply can not have councillors keep in the dark like this.

I will require answers to the following questions:

- Has a response been sent?
- If so, please forward the response to me. Who wrote the response and who authorised it?
- If not, what are you planning to do?

What where the expressed views of town council members? I note that not all councillors have expressed such on emails and would like to have this verified on such an important matter to remove any chance of action being taken against the wishes of the majority of members (although it should be noted that this has not been handling in accordance to our standing orders, or any form of good practice).

When will we be able to hold a town council meeting to discuss this matter?

Kind regards,

Philip Leslie

Email sent by Cllr Andy Westby to all recipients of the original email on the 20st May 2020, 12:46pm:

Dear All,

Please could I yet again reiterate Cllr Leslie's points, which are entirely reasonable. This case affects all members of the Council and all information/responses/advice and other relevant matters should be provided to ALL Councillors equally, and all decisions should be made by the Council as a whole, not a selected few.

On a separate matter, this made an interesting read – where there's a will there's a way to conduct Council business.....

<https://www.edp24.co.uk/news/politics/new-beccles-suffolk-town-mayor-and-deputy-elected-2020-1-6661354>

Kind Regards

Andy Westby

Email sent by Cllr Edward Tyrer to all recipients of the original email on the 20st May 2020, 1:20pm:

Before possibly contacting the Ombudsman, has a decision been made to appoint the solicitor. It is a very simple question that requires a yes or no Cllr Crouch, Montague or [REDACTED]

Email sent by Cllr Edward Tyrer to Cllrs Tony Crouch and Keith Montague, and to all recipients of the original email on the 20st May 2020, 1:40pm:

Cllr Crouch, Cllr Montague,

I am extremely concerned over the deafening silence emitting from the Council, namely the Chair, and Chair of Personnel, who from the outset have managed this sorry episode.

Can you, by reply ASAP please confirm if the Council, ie Councillors, not the [REDACTED] has appointed a Solicitor. We were told the deadline to act on this was 12.00, it is now 13.35.

It is not in either of your powers to withhold such information as at no time was there that a decision would be confidential.

If you are unable to answer this, please explain why not. May I also ask through you why the [REDACTED] has not responded to numerous important questions and queries.

Warmest wishes

Email sent by Cllr Joe Ellis to all recipients of the original email on the 20st May 2020, 3:18pm:

Dear all

It is now 3-15pm and we still do not know if a response has been made to Rogers and Norton. If you have please can all councillors

Email sent by Cllr Philip Leslie to Cllrs Tony Crouch and Keith Montague and [REDACTED] and to all recipients of the original email on the 20st May 2020, 4:31pm:

Cllr Crouch, Cllr Montague & [REDACTED]

I can not for one moment believe that no action has been taken today or that discussions haven't taken place on how to proceed. So I guess we're being ignored and kept out of the loop again – wrongfully so.

What I can see is why Cllr Taylor felt she had no alternative but to take legal action. You're simply not learning and repeating the same mistakes – acting like you're a law unto yourselves. What happens if Cllr Tyrer decides to do the same or an aggrieved councillor, such as myself, decides to put their resources into more legal action?

We need honesty and transparency – but I do not hold out hope of receiving either from yourselves. Please respond to the reasonable questions raised by myself and others.

Kind regards,

Philip Leslie

Email sent by Cllr Edward Tyrer to Cllrs Tony Crouch and Keith Montague and [REDACTED] and to all recipients of the original email on the 20st May 2020, 5:33pm:

Cllr Crouch, Montague and [REDACTED]

May I pose two very simple questions which I hope is not too taxing for you, or requires lengthy time to consider.

Have you appointed the Solicitor, and why are you withholding this information from all Councillors?

I request you respond urgently due to the nature of events.

Regards

Email sent by Cllr Edward Tyrer to Cllrs Tony Crouch and Keith Montague, and to all recipients of the original email on the 20st May 2020, 8:19pm:

Cllr Crouch, Montague

Your failure to respond has been duly noted.

Email sent by Cllr Edward Tyrer to all recipients of the original email on the 21st May 2020, 10:10am:

Dear All

Please can anyone let me know what is happening. This affects all councillors and would like to know where I stand in what is going on.

Kind regards

Vera Dale

Email sent by Cllr Tony Crouch to all recipients of the original email on the 21st May 2020, 11:32am:

Dear Councillors,

Due to the current situation and from the majority of email responses in favour of seeking support from a solicitor, Anthony Collins Solicitors has been instructed and made an initial response to Rogers & Norton yesterday.

The first Solicitor we spoke to was unable to represent us as he was not available to take on a Judicial Review case. As you will see, our second choice should be a more favourable one in supporting us moving forward.

Whilst I understand this action may not be supported by some, it was deemed necessary to take this line of action in order to maintain full support for the Council as a whole.

Regards

Cllr Crouch.

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 11:57am:

Cllr Crouch,

Thank you for your email, which though being late, was welcome. As this affects every councillor, when will be able to see the correspondence to/from the solicitors and hold a meeting to discuss how we should now move forward? This is essential to maintain support of the Council as a whole.

Kind regards,

Philip Leslie

Email sent by Cllr Lucan Grave to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 12:09pm:

What was the response to Roger's and Norton? Why were councillors not included in this?

Email sent by Cllr Andy Westby to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 12:20pm:

Cllr Crouch,

Thank you for your email below, the content of which is noted. Regrettably, however, it raises further questions.

Please could you confirm that the vote in favour of the appointment of Anthony Collins (AC) was recorded and provide the results of the vote as a matter of transparency. I am aware that two Councillors at least did not respond to Councillors as a whole (as they are perfectly entitled to) but as their votes were pivotal in establishing the way forwards then it is only fair and reasonable that the result of the ballot is disclosed.

More significantly, please could you confirm the remit on which AC have been instructed on our behalf and provide copies their letter of instruction and correspondence from them in response to Rogers and Norton. This information must be readily to hand and therefore a prompt response would be greatly appreciated.

Kind Regards

Andy Westby

Email sent by Cllr Edward Tyrer to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 12:39pm:

Cllr Crouch

The fact it took 23 hours to respond is not acceptable, not least when you blocked a call for a EM for the whole Council to debate the way forward following the R&N letter last week. It is not acceptable.

I asked the question, and I will ask again as there is no reason you cannot answer this. Please issue the results of the 'vote' to appoint Solicitor.

At no stage during e mails issued by the [REDACTED] was it stated that the vote would be confidential, as such, and as I requested it should have been recorded. The [REDACTED] did not reply to me saying it could not be recorded. So please provide this information to see the majority in favour.

Secondly and again no response to previous question, which is becoming the normal practice of this effective and efficiency Council. What discussion has been Undertaken with the appointed solicitor, what is the brief? They have been appointed against some brief, because that is how business works. Or one would hope so, actually it is malpractice if one hasn't been issued for any appointment, even if off a government framework of suppliers.

I expect an answer by reply, as it's a term used widely by Council it would seem. They are simple questions which can be readily answered. Or at least normal people would think so.

Regards

Email sent by Cllr Andy Westby to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 12:50pm:

Cllr Crouch,

I should add to my following email in regard to the latter point that under SRA Code of Conduct Rule 3.1.....*"You [the solicitor] only act for clients on instructions from the client, or from someone properly authorised to provide instructions on their behalf. If you have reason to suspect that the instructions do not represent your client's wishes, you do not act unless you have satisfied yourself that they do....."*

Please could you therefore confirm details of the instruction given (as there clearly must have been one) and demonstrate that it was issued by someone properly authorised so to do.

Thank you in anticipation.

Kind Regards

Andy Westby

Email sent by Cllr Joe Ellis to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 12:54pm:

Cllr Crouch

Thank you for your email. I would like to see confirmation of the vote to appoint Anthony Collins as the solicitor for AT council. Also a copy of the instruction to proceed and the letter that they sent to Rogers and Norton.

Regards Cllr Ellis.

Email sent by Cllr Tony Crouch to all recipients of the original email on the 21st May 2020, 1:41pm:

Councillors,

Copy's of the emails received have been kept for the records, With the majority in favour, the Solicitor was instructed before the 12:00 noon dead line,

Details to follow.

Regards

Cllr Crouch.

Email sent by Cllr Edward Tyrer to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 1:58pm:

Cllr Crouch,

Can I put this a bit more simply. Please, send the, names of Councillors who voted for or against.

If it's on file there is no reason you cannot tell us. Or don't you want to tell us?

Also, why were they appointed before 12.00 when deadline was 12.00. If you say all responses had been received Well before then is not acceptable as in business one keeps to stated times. To add to it, actually please send names as well as times of e-mails. You have just made a simple question require a bit more information to satisfy my question, and other Councillors asking the same.

Also who and what were the Solicitors appointed to do? This must be 100th time of asking.

Forgive me, do you read the emails being sent to you at all, as you do an awfully good job of swerving or ignoring legitimate questions to you, which as Chair you have a duty to respond to. You personally might not like that, but as you

were so desperate to be Chair, and beyond me why you want to carry on, it's part of the job to respond. If you can't respond or choose not to, then please explain why.

I look forward to your reply.

Email sent by Cllr Bill Loades to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 3:31pm:

Tony

I don't recollect being asked to vote on this, perhaps I'm having a senior moment. Can you please send me a copy of my email as I don't have any record of it.

Bill Loades

Email sent by Cllr Philip Leslie to all recipients of the original email on the 21st May 2020, 3:51pm:

In light of Cllr Loades email, it would be wise for all councillors to confirm their voting preference.

I should hope mine is well established, but for the record and in the spirit of full transparency I voted against appointing the solicitor as the legal advice was already well established in relationship to our case (which I shared with all of you, and the irony was this advice came from the same solicitors that we have now appointed).

Philip Leslie

Email sent by Cllr Edward Tyrer to Cllr Tony Crouch and all recipients of the original email on the 21st May 2020, 4:00pm:

It getting very painful now, and sadly more suspicious.

What was, again Cllr Crouch, the findings of e mails sent by 12.00 on Monday, let's make it easy.

By 12.00

Councillors name who responded by 12.00

Their preference, as the question was to appoint a Solicitor only (let's be crystal clear), either yes or no, ie support, object.

The time of the e mail received by [REDACTED] from each Councillor.

As you confess, this information is on a file, so please share that file now. If we had had a meeting we would know. Only adds to the suspicion as to why you did not promote or let's say stifle such a meeting. Explain your reason.

Finally no vote has been made as to if the Council wishes to contest the JD.

As we hear from the [REDACTED] often, the Council and [REDACTED] can only act on ratified decisions by the Council only, and the Clark can only do any actions subject to clear ratification.

Please provide evidence of any ratification from Monday, 12.00 onwards.

Regards

Email sent by Cllr Edward Tyrer to [REDACTED] and all recipients of the original email on the 21st May 2020, 4:04pm:

[REDACTED]

As a matter of urgency please answer the questions below.

If you are unable please explain the reason why, by reply.

Regards

Email sent by Cllr Andy Westby to [REDACTED] and all recipients of the original email on the 21st May 2020, 4:09pm:

Further to Cllr Leslie's email below. Whilst I have made my position abundantly clear on numerous occasions in the past for the purposes of democracy and transparency I will reiterate for the avoidance of any doubt that I was against the appointment of a solicitor.

How ironic that we have appointed the same solicitors that won the virtually identical case on behalf of the claimant! It would be amusing if it weren't so damaging to the Council and town.

Please therefore confirm on who's advice the solicitor was selected, who was the person who had authority to appoint them on behalf of the council (SRA CoC 3.1) and on what basis and why as a council we have still not been properly canvassed as to how we wish to proceed in this matter through the repeated refusal to convene an EGM.

As before, answers to these questions MUST be readily to hand and therefore an urgent response by return is required to avoid further suspicions building in relation to this whole squalid affair.

Kind Regards

Andy Westby

Email sent by [REDACTED] of Anthony Collins Solicitors to [REDACTED] on the 21st May 2020, 4:24pm:

Hi [REDACTED]

Many thanks and I acknowledge receipt of the documentation you sent over earlier.

I will liaise with [REDACTED] over the contact to Nicholas Hancox and ask him for the case file to be sent over. It would be useful to see this before the call I suggested, so we will prioritise that before we speak to Unite or the HR consultants, as I am anxious not to run up your costs if this can be avoided.

It would however be useful to see documentation that is in the councils possession; so any reports, minutes, notes etc of the issues concerned. Ideally we would like to see these electronically, but if that not possible please send them addressed to me at:

Anthony Collins Solicitors LLP

[REDACTED]
[REDACTED]
[REDACTED]

From the Council's point of view I think that we will need to see that before we have the conference call; I would suggest that we arrange that for Thursday 28th May please. We are available most of the day, apart from 3-4pm so please let me know when would be convenient for your members.

If your Chairman wishes to have a call with me in advance that is fine. And of course the same applies to yourself.

Best wishes,

[REDACTED]

Email sent by [REDACTED] to Cllrs Tony Crouch, Keith Montague, and Beverley Bulmer on the 21st May 2020, 4:43pm:

Hi Tony, Keith and Beverley

Please see latest from Solicitor for your info.

Please advise your availability for the call/Zoom on 28 May so I can book a time with [REDACTED].

Are you agreeable it would be advisable for her to speak to Unite and/or Lovewell Blake? I do not see she will be fully informed about the case without their input and if she can get anything from Lovewell Blake it might help.

Thanks

[REDACTED]

Email sent by Cllr Beverley Bulmer to all recipients of the original email on the 21st May 2020, 5:54pm:

Confirming I was fore at the appointment of a solicitor and shared my views with all on this, or one of the other numerous threads that are going at the moment

warm regards

Beverley

Email sent by Cllr Edward Tyrer to Cllr Beverley Bulmer and all recipients of the original email on the 21st May 2020, 6:00pm:

Very kind Cllr. Bulmer.

The question is to the [REDACTED] and Cllr Crouch to confirm, though commend you for honesty.

Warmest wishes

Email sent by Cllr Keith Montague to Cllrs Tony Crouch and Beverley Bulmer and [REDACTED] on the 21st May 2020, 6:01pm:

Hi Tony

Bill Loades has e-mailed that he was not asked - We need to keep him on our side - any chance of giving him a ring and say sorry everything done in a rush and can he support us.

All the best

Keith

Email sent by Cllr Joe Ellis to all recipients of the original email on the 21st May 2020, 6:10pm:

Dear all,

I am confirming that I did not agree with the appointment of a solicitor and I am still awaiting a response for the email I sent earlier

Regards

Cllr Joe Ellis

Email sent by Cllr Vera Dale to Cllr Tony Crouch and all recipients of the original email on the 22nd May 2020, 8:09am:

Dear Tony

Now the solicitor has been appointed can you please ensure ALL Councillors and give the same information as it effects everyone of us.

Kind regards

Vera Dale

Email sent by Cllr Philip Leslie to Cllr Tony Crouch and all recipients of the original email on the 22nd May 2020, 9:48am:

Cllr Crouch,

I must state for the record that I am very disappointed that it's now 2 days after the appointment of a solicitor and you still haven't provided the legitimately requested information.

How can we function as a town council under such awful leadership and lack of transparency?

Philip Leslie

Email sent by Cllr Tony Crouch to all recipients of the original email on the 22nd May 2020, 12:00pm:

Dear Councillors.

Regarding approval or objections to the appointment of solicitor at the time of instruction was as below:

Approve

Cllr Cousins

Cllr Crouch

Cllr Busk

Cllr Redmond

Cllr Bulmer

Cllr Montague

Cllr Roper

Object

Cllr Tyrer

Cllr Grave

Cllr Westby

Cllr Ellis

Cllr Leslie

The Solicitor made an initial response advising Rogers & Norton they have been appointed and will respond fully at a later date.

Regards

Cllr Crouch

Email sent by Cllr Vera Dale to all recipients of the original email on the 22nd May 2020, 12:16pm:

I asked for more information of the [REDACTED] before giving my answer but the next thing I was informed a solicitor had been appointed.

I see my comment wasn't needed as you had enough to go ahead without it. Kind regards

Vera Dale

Email sent by Cllr Keith Montague to [REDACTED] on the 22nd May 2020, 12:26pm:

Hi [REDACTED]

As I remember Vera and Bill did not respond straight away so were not included- a decision was required quickly

Perhaps she can take comfort from the fact that Bill's vote was also excluded (he votes in favour) Tony does say votes at time of instruction.

She was NOT excluded because we had enough votes. Perhaps she should be told!!

Kind regards Keith

8.5 Appointment of a Solicitor

[REDACTED] sent the following email to [REDACTED] of Anthony Colins Solicitors on the 20th May 2020, 11:18am:

Dear [REDACTED]

I confirm I have consulted with Attleborough Town Councillors on your appointment to represent Attleborough Town Council in dealing with the letter before action in relation to Judicial Review brought by Cllr Taila Taylor.

At the time of writing I have a majority agreeing via email and have confirmed with both the Mayor and the current Chairmen of Committees who have instructed me to go ahead and confirm your appointment. Please therefore take this as your formal instruction to proceed and to make an initial response to Rogers & Norton asap.

Kind regards

[REDACTED]

Email sent by [REDACTED] of Anthony Colins Solicitors to [REDACTED] on the 20th May 2020, 11:29am:

Dear [REDACTED]

Many thanks and we will be very pleased to act for you in this matter. My colleague [REDACTED] is now preparing a letter to send to Cllr Taylors solicitors to reach them around the deadline they set on the basis I indicated to you yesterday afternoon.

I will proceed to open a file on the CCS framework rates and send you the necessary documentation. I think that once the letter has been sent today it would be useful for us to see as much documentation as you are able to provide (I appreciate that not everything is in your possession) and then arrange a conference call, ideally I think with you and your Chairman and possible your Committee chairs about how best to move forward in the interests of the Council.

Best wishes,

[REDACTED]

8.6 Reply to Rogers & Norton by Anthony Collins Solicitor

Following the appointment of Anthony Collins Solicitors, [REDACTED] of the firm sent the following response to Rogers & Norton and [REDACTED] on the 20th May 2020, 12:45pm:

Dear Sirs

Taila Taylor: Proposed application for Judicial Review

We have been instructed today by Attleborough Town Council in relation to your letter before claim dated 14 May 2020.

We note that your letter has been sent in accordance with the pre-action protocol for judicial review, although it would appear that your client has failed to comply with paragraph 14 of the protocol by sending the letter before claim in "*good time before making the claim*".

Your letter also fails to afford our client the usual 14-day period for responding to the letter before claim, which is permitted under paragraph 20 of the protocol. Due to this, and the fact that we have only been instructed today, it will not be possible to provide a substantive response by the proposed deadline of 12 noon today, save to say that it is not accepted that the claim is in time as a claim form has not been filed promptly in accordance with CPR 54.5.

We propose to provide a substantive response within 14 days of today, once we have had a reasonable opportunity to investigate the substantive allegations in the letter before claim. Should your client commence proceedings prior to a substantive response being provided, our client reserves the right to refer to your client's failure to comply with the pre-action protocol in good time before issuing proceedings on the question of costs.

Please note that we are instructed to accept service of court proceedings and so any documents should be sent to the address given below.

Yours faithfully

Anthony Collins Solicitors LLP

NOTE – The following sections will be released at the conclusion of the Judicial Review and related legal matters.

9 Conclusion of Legal Matters

9.1 Introduction

With the appointment of Anthony Collins Solicitors, and their subsequent reply to Rogers & Norton (Cllr Taylor's solicitor), the Council was advised to set up an Investigation Committee of 3-4 councillors to liaise with them and make decisions.

Anthony Collins Solicitors had initially been instructed by [REDACTED] but this was considered to be a conflict of interest. Initially Cllrs Montague, Crouch, Leslie, and Dale were collectively authorised to speak with Anthony Collins Solicitors until the Investigation Committee was organised, but no significant decisions were made by them.

9.2 Investigation Committee

In an Extraordinary Council Meeting held on the 22nd June 2020, Cllrs Loades, Leslie, Roper and Westby were elected onto the new Investigation Committee. Cllr Leslie was later elected Chairman of the committee.

The committee were given the following terms of reference, prepared by Anthony Collins Solicitors (ACS):

Attleborough Town Council Extraordinary Meeting 22nd June 2020 at 6pm

Agenda item 5 - Staffing Issues

Introduction

1. The council was informed at previous meetings that grievances had been made by several members of staff alleging bullying and harassment by certain members. These grievances remain and have not been fully investigated.
2. It is the responsibility of the Council, as employer, to deal with these matters appropriately. They could result in significant claims against the council and possibly against individual members.

Recommendations

1. That the council set up a committee (Investigation Committee) with the following terms of reference:
 - a) To instruct solicitors to investigate and advise on the grievance allegations made by employees;
 - b) To instruct solicitors to investigate and advise on whether there was professional negligence in the advice previously provided to the council;
 - c) And that the committee have funds allocated from the general reserve of £30,000.

BACKGROUND

1. Given the potentially serious nature of the allegations made by staff the allegations need to be investigated and dealt with. Such allegations could also amount to a code of conduct complaint (if so, this would need to be dealt with under the relevant arrangements of Breckland DC as the principal council.)
2. The allegations are linked with the Judicial Review proceedings outlined in the previous report, in which Anthony Collins Solicitors LLP ("ACS") have been instructed by the [REDACTED] under her delegated authority in the Councils Standing Orders. As the previous report on the agenda refers to, it makes sense for the same members on the committee to deal with this and the Judicial Review proceedings given the linked issues involved.
3. As the [REDACTED] is one of the employees making a grievance, she has a conflict of interest and so is unable to instruct solicitors to act in this matter.
4. At a meeting of the Council held on 1st June 2020 four members of the council, namely Cllrs Montague, Crouch, Leslie and Dale were authorised to speak with ACS and a meeting using remote means was held on 10th June between those members and ACS. At that meeting, which was felt to be very constructive, a decision was made to call for this Extraordinary Meeting of the Council and to make the recommendations above and in the previous report.

5. However, the delegation made by the Council does not extend to what is now needed which is the formal setting up of a way to deal with these issues and instruct solicitors to investigate.
6. Given that ACS have been acting on the Judicial Review, and have extensive local government and employment expertise, it is considered sensible to instruct them on the grievance issues as well. It is not practical for the whole Council to provide instructions hence the recommendation that a committee is set up to deal with these issues.
7. The instructions should extend to investigating and advising on the grievance matter; including any Code of Conduct issues which may be revealed.
8. The Council was previously advised by Nicholas Haycox and took action according to that advice and the advice provided by Breckland DC, which has meant that the Council has incurred costs which may have been avoided had other advice been provided which reflected the decision in the Harvey v Ledbury case and the provisions of the Localism Act 2011.
9. Accordingly, it is recommended that the instructions to ACS from the committee extend to investigating and considering the advice previously provided to the Council and advising as to what action may be possible to protect the council's interests.
10. Whilst it is recommended that the committee deal with the issues as outlined above, given the importance of this to the Council an update will be provided at the monthly Council meetings.
11. The committee will only deal with the issues described above and so will be wound up once these matters are resolved.
12. This Committee does not replace the Personnel Committee which should continue to deal with routine staffing matters, but which will not deal with any issues relating to the grievances, Judicial review and the investigations relating thereto.

Attleborough Town Council

The Investigation Committee met as necessary to discuss updates, advice and give instructions to Anthony Collins Solicitors. The committee reported back to the Council at the end of monthly Full Council Meetings, after the press and the public were excluded.

Decisions made by this committee were unanimously agreed and were in line with Anthony Collins Solicitors recommendations.

Additionally, the Investigation Committee appointed Cllr Leslie to conduct a thorough and detailed investigation into the circumstances relating to the Judicial Review and report back to the committee. It was noted by the committee that this report should be released to the public once the outstanding legal matters were concluded, albeit redacted where appropriate for legal reasons.

The first 8 sections of this report were confidentially released to the Investigation Committee on the 15th December 2020, and then to councillors on the 26th January 2021. This section will also be confidentially released to councillors before being released to the public.

The Investigation Committee was dissolved by the Council on the 1st March 2021, with any further matters to be resolved by the Council.

9.3 High Court Judgement

Anthony Collins Solicitors confirmed that the action taken against Cllrs Tyrer and Taylor was unlawful, as shown in the Ledbury case. After representation at the High Court, the following consent order was issued on the 27th July 2020:

IN THE HIGH COURT OF JUSTICE

Claim CO/1879/2020

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:

THE QUEEN

(on the application of TAILA TAYLOR)

Claimant

-and-

ATTLEBOROUGH TOWN COUNCIL

Defendant

CONSENT ORDER

UPON the Defendant resolving to set aside its decision of 27 February 2020 at a meeting of Full Council on 22 June 2020

AND UPON the Defendant admitting that it does not have the power formally to investigate or impose sanctions in respect of any allegation that the Claimant has engaged in conduct which is either alleged to be, or would be, contrary to the member code of conduct and that any such allegations must be dealt with under the relevant arrangements of Breckland District Council.

IT IS ORDERED THAT:

1. The claim for a quashing order and declaratory relief is withdrawn.
2. The claim for damages for breach under the Human Rights Act 1998 is transferred to the Claimant's local county court.
3. Pursuant to CPR 44.2(6), the Defendant shall pay the Claimant's pre-action legal costs, on the standard basis, to be subject to a detailed assessment if not agreed.
4. Pursuant to CPR 44.2(8), the Defendant shall, within 14 days of this Order, make a payment of £5,000 on account of the costs payable under paragraph 3.
5. The remaining costs of the judicial review proceedings shall be dealt with as follows:

Timetable

6. Within 28 days of the service of this Order upon the parties, the Defendant may file with the Court, and serve on all other parties, submissions as to what the appropriate order for costs should be.
7. Where the Defendant does not file submissions in accordance with 6 above the Defendant will be ordered to pay the Claimant's costs of the claim on the standard basis and for these to be the subject of detailed assessment if not agreed. However, if the Court considers that such an order would be wrong or unfair in all the circumstances, it shall make such other costs order as it sees fit, or it may require submissions from any party in the case within a specified time, or extend time for the service of the Defendant's submissions.
8. Where submissions are filed and served by the Defendant, the Claimant may file and serve submissions in reply within 14 days of the service of those submissions.
9. Where no submissions are filed by the Claimant the Court will make the Order sought by the Defendant. However, if the Court considers that such an order would be wrong or unfair in all the circumstances, it shall make such other costs orders as it sees fit, or it may require submissions from any party in the case within a specified time, or

extend time for the service of the Claimant's or other party's submissions.

10. Where submissions are filed by the Claimant or by any other party, the Defendant shall have 7 days in which to file and serve a reply. If the Court thinks it necessary in the interests of justice, it may seek any further submissions from any party. A party may also apply for permission within 14 days of the service of previous submissions to lodge further submissions provided it explains what new point has arisen in those previous submissions to which it needs to reply. A short timetable can be expected for any such submissions.

Content of submissions

11. Submissions should:

- confirm that the parties have used reasonable endeavours to negotiate a costs settlement;
- identify what issues or reasons prevented the parties agreeing costs liability;
- state the approximate amount of costs likely to be involved in the case;
- clearly identify the extent to which the parties complied with the pre-action protocol;
- state the relief the claimant (i) sought in the claim form and (ii) obtained;
- address specifically how the claim and the basis of its settlement fit the principles in *M v Croydon, and Tesfay* including the relationship of any step taken by the defendant to the claim.

Documents

12. Submissions should be of a normal print size and should not normally exceed two A4 pages in length unless there is compelling reason to exceed this which is properly explained in the submissions.
13. Submissions should be accompanied by the pre-action protocol correspondence (where this has not previously been included as part of the documents supporting the claim), the correspondence in which the costs claim is made and defended, along with any other correspondence necessary to demonstrate why the claim was brought in the light of the pre-action protocol correspondence or why the step which led to settlement was not taken until after the claim was issued.
14. Unless advised otherwise, the parties should assume that the Court has the claim form and grounds, the acknowledgment of service and evidence lodged by the parties. Further copies of these should not be provided unless requested by the Court.

Dated this 27 day July 2020

Signed: **Rogers and Norton Limited**

For and on behalf of the Claimant

Anthony Colins Solicitors LLP

For and on behalf of the Defendant

ADMINISTRATIVE COURT OFFICE

CONSENT ORDER AS ASKED

04/08/2020

Administrative Court Office Lawyer

Pursuant to powers delegated by the President of the Queen's Bench Division

CPR Part 54.1A

9.4 Letter Before Claim – Defamation

On the 8th and 9th February 2021, the Council received 2 Letter Before Claim notices from Rogers & Norton solicitors, who were acting on behalf of Cllrs Tyrer and Taylor, both stating that; *“We write to notify you of our intention to issue a claim of defamation and malicious falsehood against you.”*

The letter listed the instances where allegations were publicly made against these 2 councillors, which are listed in section 6 of this report, as well as media coverage of the matter.

This notice ended with the following:

Other matters and next steps

The statements are highly defamatory of our client. Our client therefore requires that the Attleborough Town Council:

- 1 Openly withdraw all defamatory statements and make an open and public apology, the wording of which we will send to you once you have agreed to do this. The apology is to be with equivalent prominence to the publications of the defamatory statements.
- 2 Remove the defamatory statements from the Attleborough Town Council website and procure that any related social media posts are deleted, and from all other public forums.
- 3 Undertake not to publish the defamatory statements again, or otherwise to re-publish the Allegations.
- 4 Archive that apology on the Attleborough Town Council's website and social media pages, so that it remains searchable to users.
- 5 Undertake to preserve any information relating to the readership of the defamatory statements, as well as the appearance and impressions associated with any social media posts referring to the defamatory statements within your control and provide us with that information.
- 6 Disclose any communication between the Attleborough Town Council and third parties relating to our client (whether our client is named or otherwise). This includes emails, text messages and any other form of communication.
- 7 Compensate our client for the injury to her reputation. This compensation is to reflect the damage to our client's reputation and feelings, the distress he has suffered, and the damage to our client's good name. We invite your proposals as to the amount of compensation, but this should include sums to reflect the aggravating features of your allegations.
- 8 Pay our client's legal costs reasonably incurred to date (to be assessed if not agreed).

In the event that the Attleborough Town Council are not willing to comply with the above requests, our client may choose to issue proceedings against the Attleborough Town Council without further notice. In the meantime, our client's rights are expressly reserved.

We look forward to receiving your response by 16th February 2021.

We will need to issue proceedings by 20th February 2021 but if you require additional time to make proposals and/or seek legal advice, we will require you to sign the attached Standstill Agreement and return to us by 16th February 2021.

Yours faithfully,

ROGERS & NORTON

The Council agreed to sign the Standstill Agreement and Cllr Leslie was appointed to communicate and negotiate on Council's behalf, but agreements would need to be approved by the Council.

9.5 Settlement Agreement

With the High Court taking longer than expected to rule on costs, and the pressing need to resolve the potential defamation litigation, the Council took the view that we wanted to amicably settle these matters without any further legal action or incurring additional costs. Councillors also agreed that the legal costs of Cllrs Taylor and Tyrer should be paid, as these costs were a result of the unlawful action of the Council.

After a number of discussions and negotiations between the parties, the following settlement agreement was agreed by councillors and unanimously ratified at the council meeting held on the 4th May 2020, which would conclude all outstanding legal matters for the Council:

SETTLEMENT AGREEMENT

PARTIES

- i. TAILA TAYLOR of [REDACTED]; ("Ms Taylor")
- ii. EDWARD TYRER of [REDACTED]; ("Mr Tyrer")
- iii. ATTLEBOROUGH TOWN COUNCIL of ATTLEBOROUGH TOWN HALL, QUEENS SQUARE, ATTLEBOROUGH, NR17 2AF ("ATC")

DEFINITIONS

together "the Parties"

Ms Taylor "the First Claimant"

Mr Tyrer "the Second Claimant"

together "the Claimants"

ATC "the Defendant"

"Judicial Review Claim" The Queen (on application of Taila Taylor) v Attleborough Town Council, Claim CO/1879/2020

INTRODUCTION

The Claimants served a Letter Before Claim against the Defendant on 08 February 2021. The Claim includes known claims of both Defamation and Malicious Falsehood, as more particularly set out in the Letter Before Claim ("the Claims").

The Parties wish to resolve the Claims.

1. SETTLEMENT

1.1 In full and final settlement of the Claims, the Claimants hereby release the Defendant from the Claims (without prejudice to claims against [REDACTED]):-

1.1.1 The Defendant shall pay to the First Claimant the sum of £17,500 by way of damages in relation to the claim of defamation and malicious falsehood, and the sum of £2,500 in relation to the First Claimant's claim under the Human Rights Act 1998.

1.1.2 The Defendant shall pay to the Second Claimant the sum of £7,500 in relation to the claim of defamation and malicious falsehood.

1.1.3 The Defendant shall pay to the Claimants the sum of £41,200 plus vat less £5,000 made as an interim payment in the Judicial Review Claim of the First Claimant. The payment of £36,200 plus VAT settles all claims for costs in relation to the Judicial Review and this Claim between the Parties.

1.1.4 Save for 1.1.3, there be no further order for costs in relation to the Judicial Review Claim. The Defendant shall sign a statement of apology addressed to the Claimants in the form attached at annex A of this Agreement ("the Statement").

1.1.5

1.1.6 The Defendant shall publish and archive the Statement by way of press release on the ATC Website, Facebook, and Twitter page.

1.1.7 The Defendant shall also display the Statement on all the Attleborough Town public notice boards.

1.1.8 The Defendant shall preserve any information relating to the readership of the defamatory statements, as well as the appearance and impressions associated with any social media posts referring to the defamatory statements within the control of the Defendant and provide the Claimants with that information. It will offer all necessary assistance and support as requested by the Claimants and/or their solicitors in relation to the claims against [REDACTED].

1.1.9 The Defendant shall disclose any communication between ATC and third parties relating to the Claimants (whether the Claimants are named or otherwise) to Rogers and Norton Solicitors Limited within 28 days of a written request by Rogers and Norton Solicitors Limited. This includes emails, text messages and any other form of communication. This disclosure will not be made public unless it is relied on in court proceedings or by order of a Court or Tribunal or by agreement.

1.2 The Defendant will pay the sum of £70,940 to Rogers and Norton Solicitors Limited by 5th May 2021. The payment must be by way of bank transfer to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1.3 In the event that the Defendant fails to make payment in accordance with Clause 1.2 above the Claimants shall be entitled to issue proceedings against the Defendant without further notice.

1.4 In respect of the sums set out at clause 1.1.1 (and subject to full compliance of this Agreement by the Defendant) the First Claimant shall pay the sum of £10,000 to a charity or project based in Attleborough of the First Claimant's choice within 12 months of this Agreement.

2. FURTHER STATEMENTS

2.1 The Defendant agrees that that they will not defame or make malicious false statements or re-publish any previous statements concerning the Claimants.

3. ENTIRE AGREEMENT

3.1 This Agreement comprises the entire agreement between the Parties and there is no part of the Agreement between the Parties that has not been recorded herein.

3.2 The Parties declare, acknowledge and represent that they have not relied on or been induced to enter into this Agreement by any representation, warranty or undertaking (whether contractual or otherwise) given by any of the other Parties other than those set out in writing in this Agreement and expressly referred to as a representation, warranty or undertaking.

4. WARRANTY

4.1 Each party warrants and represents that it has not sold, transferred, assigned, or otherwise disposed of its interest in the Claims.

4.2 Each party warrants and represents to the other with respect to itself that it has the full right, power and authority to execute, deliver and perform this Agreement.

5. GENERAL

5.1 This Agreement may be executed by each of the Parties using separate documents in the same form each of which shall be an original counterpart of this Agreement.

5.2 A waiver or affirmation by either Party of any breach of or non-compliance with any term or condition of this Agreement shall not be deemed to be or construed as a waiver or affirmation of any preceding or succeeding breach of or non-compliance with such or any other term or condition of this Agreement.

6. LAW AND JURISDICTION

6.1 This Agreement shall be governed by and interpreted in accordance with English law. The Parties agree to submit to the exclusive jurisdiction of the English Courts in relation to any claim or matter arising under or in relation to this Agreement.

Signed by Rogers and Norton for
and on behalf of Taila Taylor **ROGERS & NORTON**

Signed by Rogers and Norton for
and on behalf of Edward Tyrer **ROGERS & NORTON**

Signed by Attleborough Town Council

Annex A

The Attleborough Town Council (“the Council”) offers a profound and unreserved apology to both Cllr Taila Taylor and Cllr Edward Tyrer for the publication of defamatory statements concerning false allegations of both Councillors sustaining a ‘campaign of harassment, bullying and intimidation’ on fellow Councillors, Staff and Employees of Attleborough Town Council. We accept that all such allegations were false and wrong.

The false accusations were made in the context of a malicious campaign to remove Cllr Taylor and Cllr Tyrer from several Committees and Working Groups of the Council.

Indeed, on 27 February 2020 members of the Council passed an unlawful motion to remove both Cllrs from their positions held within the Council and prevent both Cllrs from being appointed as Vice Chairman or Mayor for a period of two years.

This motion was passed following several Code of Conduct complaints made to the Monitoring Officer at Breckland Council and the issue of a formal letter of grievance to Attleborough Town Council written by [REDACTED], a Unite the Union Regional Officer.

We would like to make it clear that the Monitoring Officer at Breckland Council has decided not to investigate these complaints, and the statements made by [REDACTED] of Unite are not based on the belief of the Council and the Council has found no evidence to suggest these statements were true. In fact, all such statements were false and wrong.

Following, the issue and success of Judicial Review proceedings by Cllr Taylor, both Cllrs have been exonerated of all allegations relating to ‘harassment, bullying and intimidation’ and had all their previous positions held within the Council reinstated.

The Council admits to the procedural impropriety and complete disregard to the due process required for investigating the allegations concerning the Cllrs and the passing of the motion on 27 February 2020.

Furthermore, several defamatory statements were made by the former Attleborough Town Mayor and current Cllr Anthony Crouch. Statements made by the former Mayor compared the ‘alleged’ behaviour of Cllr Taylor and Cllr Tyrer to the behaviour that caused the sad death of a high-profile celebrity in 2020.

The Council would like to make it clear that both Cllr Taylor and Cllr Tyrer have never been found to have harassed, bullied, or intimidated fellow Councillors, Staff and Employees of the Council and the Council sincerely apologises for the hurt, suffering and stress that has been caused to both Cllrs.

The Council, as way of accepting liability for publicly publishing the false allegations, have agreed to pay the legal costs that have been accumulated by Cllr Taylor and Cllr Tyrer and pay damages in an aim to compensate for the damage that has been caused to the Cllrs’ reputation and good name, and the distress suffered.

We would like to thank both Cllrs for their resilience throughout this period and for the diligent work they have displayed throughout the local community. We hope this apology can be the first step to rebuilding a strong and successful relationship between the Council and both Cllrs.

Attleborough Town Council

The apology (Annex A) was read out by Cllr Leslie in the Annual Meeting held on the 4th May 2021 and was placed on the Council’s website and social media, as well as being forwarded to Archant (EDP), on the 5th May 2021.

9.6 Costs to the Council

The following costs were directly incurred in the action against councillors, Judicial Review, and defamation matters:

Month Approved	Payee	Purpose	Amount
Mar 2020	Nicholas Hancox Solicitors	Legal Costs for Advice on Action Against Cllrs & Attending Council Meetings (This does not include costs for other work)	£9,956.40
Mar 2020	Norwich Security	Town Hall Security	£661.20
Apr 2020	Nicolas Hancox Solicitors	Legal Advice	£2,624.40
Jun 2020	Nicolas Hancox Solicitors	Legal Advice	£1,641.80
Sep 2020	Anthony Collins Solicitors	Interim Payment to Rogers & Norton (Judicial Review)	£5,000.00
Nov 2020	Anthony Collins Solicitors	Legal Costs for Judicial Review High Court Case	£22,342.80
Nov 2020	Anthony Collins Solicitors	Legal Costs for Claim Against Nicolas Hancox Solicitors	£1,252.80
May 2021 (8f)	Rogers & Norton	Settlement Agreement (Costs & Damages)	£70,940.00
TOTAL			£114,419.40
TOTAL COST less VAT			£99,766.17

IMPORTANT NOTE (See 9.5)

- Cllr Tyrer received a damages award of £7,500.
- Cllr Taylor received a damages award of £20,000 and has agreed to pay £10,000 to a charity or project based in Attleborough.

9.7 Conclusion, Recommendations & Actions

This section of the report was finalised on the 10th May 2021 and released to councillors on the same day.

Throughout this investigation it was self-evident that existing policies and procedures were woefully inadequate or simply ignored, and any advice sought from legal professionals or other agencies was distorted or manipulated to conform to pre-determined prejudices or anticipated favourable actions.

Limiting this comment to councillors and staff members of the Council, those central to the course of action that resulted in legal action against the Council were: [REDACTED] as [REDACTED] Cllrs Crouch as Chairman/Mayor and Cllr Montague as Chairman of the Personnel Committee. It should be noted that Cllr Montague denies any knowledge of the advice regarding the Ledbury case or from Nicholas Hancox in relation to his change of recommendation against Cllrs Tyrer and Taylor.

Simply put, this whole saga could have been avoided had any one of a number of recommendations been acted upon by those in authority within the Council or councillors had been provided with correct and unadulterated information.

As a result of the initial investigation findings the following policies were recommended and formally adopted by the Council on 5th October 2020, to prevent any such action against Councillors in the future, whilst allowing a suitable recourse to resolve similar issues:

- Complaints Policy & Procedure (Oct 2020)
- Grievance Policy & Procedure (Oct 2020)
- Disciplinary Policy & Procedure (Oct 2020)
- Member Officer Protocol (Oct 2020)

Additionally, a new Personnel Committee was set up at this meeting with appropriately updated terms of reference.

To further reinforce these policies and protect the Council, whilst increasing the accountability and openness of Council operations, the following policies were formally adopted on the 4th May 2021:

- Standing Orders (Apr 2021)
- Financial Regulations & Procurement Policy (Apr 2021)
- Code of Conduct (Apr 2021)
- Meeting Protocol (Apr 2021)

These policies ensure that the Council will continue to monitor and report on its operations in the hope of avoiding costly and damaging consequences of legal action against it.

The Council will continue to pursue the negligence claim against Nicolas Hancox Solicitors and will report any outcome to the public in due course.

THIS CONCLUDES THE REPORT