

CONFIDENTIAL

Investigation report date; 6 December 2024

Introduction. Case Reference: 143/2024 Report of an investigation under Section 28 of the Localism Act 2011 concerning an allegation that Councillor David Darling breached the Code of Conduct.
Investigation authorised by: Luke Swinhoe, Assistant Director (Law and Governance) and Monitoring Officer for Darlington Borough Council.
Investigator: Ellie Dewar – Independent Investigating Officer
Date investigation began: 4 June 2024

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1. Executive Summary

- 1.1 It has been alleged by Councillor Colin Pease, that on 13 May 2024 during a meeting of Middleton St George Parish Council, Councillor David Darling breached the code of conduct, by assaulting him.
- 1.2 There is a linked complaint made by Member of the Public 1, [REDACTED] Councillor Darling, about the conduct of Councillor Pease arising from the same meeting and incident. Member of the Public 1 had been present at the meeting and made [REDACTED] own audio recording.
- 1.3 The meeting was also audio recorded by the Clerk to the Parish Council, Alan Macnab.
- 1.4 At the start of the parish council meeting, the chairman of the parish council, Councillor Hazel Bullock, invited Councillor Pease to speak during the ward councillors report which is a standard item on the agenda of all parish council meetings.
- 1.5 Councillor Darling then read a prepared list of questions to Councillor Pease. The conversation became heated between Councillor Darling and Councillor Pease, with Councillor Darling repeatedly asking questions of Councillor Pease without giving him time to answer in a raised voice and provoking manner.
- 1.6 Councillor Pease then stood up and pointed his finger on the table and called Councillor Darling a "prat" amongst other comments, before going towards the door to exit the room.
- 1.7 Councillor Darling quickly stood up and shut the door with force meaning that Councillor Pease could not leave. Both parties were then engaged in a physical altercation. Councillor Pease had scratches and blood on his face and arm area, and his glasses were broken during the incident. Councillor Darling had a slightly red face and a bruised finger. Members of the meeting can be heard on the audio recording asking Councillor Darling to "stop" repeatedly. Members of the meeting assisted in separating both parties, and they left separately.
- 1.8 It is my conclusion that this matter should be referred to the Member Standards Hearing Committee, as there is sufficient evidence in respect of potential breaches of the following provisions of the code of conduct:
 - a) Paragraph 3 (1) – "you must treat others with respect"
 - b) Paragraph 5 – "you must not conduct yourself in a manner which could reasonably be regarded as bringing your office as a member or the Council into disrepute"

- 1.9 There is sufficient evidence for this matter to proceed to a hearing, and it will be for the hearing panel to consider that evidence and determine whether there has been a breach.

2 The Complaint

- 2.1 On 15 May 2024, Darlington Borough Council received a complaint from Councillor Colin Pease about the conduct of Councillor David Darling, as follows:

"I arrived at the MSG council meeting at 6.30pm on Monday 13 May.

Item 3 is Ward Councillors Report. I reported that I did not have any major issues to discuss as my recent work had focussed on resident queries and assistance. However, I am happy to take questions.

After a pause, Councillor Darling promptly started to read off a pre-prepared list of complaints against me. This had not been approved by the Parish Council and they were unaware of his intended action.

On completion of his tirade, I said it was a significant list and I would address each point in turn.

I had barely finished commenting on the first point before he took off his glasses and stormed towards me. I could tell by the fury on his face that something unpleasant was about to happen and stood up as he approached. I didn't even get chance to put my notes down before he pushed me and then grabbed me around the head breaking my glasses. There was a scuffle as I defended myself before Parish Councillors intervened to break it up. Even then he was struggling with them to get at me.

Only once we had been separated did I say some of the things reported by Member of the Public 1 as I was shocked and angry.

I was then carefully escorted outside by the Chair and Dep Chair. They apologised on behalf of the council and said they were not party to his behaviour and assisted me in regaining my composure as I was clearly shaken by the assault before driving home. Councillor Darling was ordered to leave, and this was supported by the council members.

I have photographic evidence of the injuries caused, blood on clothes and broken glasses, which I will offer to the police.

As you can see, this differs significantly from the account by Member of the Public 1 and I am 100% convinced this accurate version of events will be supported by Parish Council members as witnesses.

It is clear that Councillor Darling is unfit to serve on the Parish Council and, with such a volatile temper, any public post. Regrettably, although my relationship with the Parish Council is sound, it cannot continue whilst he is in post, and he has irretrievably damaged any working relationship with the Community Centre.

It is I who requires a public apology, for him to be removed from the Parish Council, and reimbursement for repair to my glasses.”

3 Official details

3.1 Councillor Darling is a member of Middleton St George Parish Council. Councillor Darling was elected unopposed on 22 September 2023 (a notice of election was advertised with two vacancies and his was the only nomination received at close of nominations). Councillor Darling is the Chairman of the Middleton St George Community Centre.

3.2 Councillor Pease is a Darlington Borough Council Councillor.

4 The Code of Conduct

4.1 Darlington Borough Council adopted a members Code of Conduct, based on the Local Government Association Model Councillor Code of Conduct, on 1 January 2022 (this was a revision from an earlier Code of Conduct). Parish Councils adopt their own code of conduct but are encouraged to consider adopting a code of conduct aligned to the Borough Council Code of Conduct. Middleton St George Parish Council were invited to adopt the revised Code of Conduct.

4.2 Middleton St George Parish Council agreed to adopt a Code of Conduct on this basis at the meeting held on 13 December 2012; see minute (1860.3) from the meeting of 13 December 2021 agreeing to the adoption of the Code of Conduct at Appendix 14

4.3 A copy of the Code of Conduct adopted by Middleton St George Parish Council is set out in Appendix 13

4.4 The relevant parts of the Code of Conduct appear to be 1. Respect and also 5. Disrepute.

5 Evidence

5.1 Councillor Pease was interviewed via Microsoft Teams on the 17 July 2024. A written record of this meeting was made and has since been confirmed by Councillor Pease as accurate.

5.2 Clerk to the Parish Council, Mr Alan Macnab had already prepared a written statement and shared this with Mr Luke Swinhoe, dated the 31 May 2024.

He was then interviewed on Microsoft Teams on the 21 June 2024. A written record of this meeting was made and has since been confirmed by Mr Macnab as accurate.

- 5.3 Councillor Adrian Marshall was interviewed via Microsoft Teams on the 12 June 2024. A written record of this meeting was made and has since been confirmed by Councillor Marshall as accurate.
- 5.4 Councillor Hazel Bullock was interviewed via Microsoft Teams on the 19 June 2024. A written record of this meeting was made and has since been confirmed by Councillor Bullock as accurate.
- 5.5 Councillor Les Foggett was interviewed via Microsoft Teams on the 11 June 2024. A written record of this meeting was made and has since been confirmed by Councillor Foggett as accurate.
- 5.6 Councillor Simon Pleydell was interviewed via Microsoft Teams on 24 June 2024. A written record of this meeting was made and has since been confirmed by Councillor Pleydell as accurate.
- 5.7 Member of the Public 1 was interviewed via Microsoft Teams on the 7 July 2024. There had been a slight delay due to [REDACTED] being on holiday for a period of around 3 weeks. A written record of this meeting was made and has since been confirmed by Member of the Public 1 as accurate.
- 5.8 Councillor Maggie Beadle was spoken to by telephone on 17 July 2024, as she was unable to facilitate the use of a video interview. A written record of this meeting was made and with some amendments has since been confirmed by Councillor Beadle as accurate.
- 5.9 Councillor Monty Brack was interviewed via Microsoft Teams on the 5 July 2024. A written record of this meeting was made and has since been confirmed by Councillor Brack as accurate.
- 5.10 Councillor Deborah Laing was interviewed via Microsoft Teams on the 25 June 2024. A written record of this meeting was made and has since been confirmed by Councillor Laing as accurate.
- 5.11 Member of the Public 2 [REDACTED] was interviewed on the 22 July 2024. A written record of this meeting was made and has since been confirmed by Member of the Public 2 as accurate.
- 5.12 Councillor Darling was interviewed by Microsoft Teams on the 26 July 2024. A written record of this meeting was made and has since been confirmed by Councillor Darling as accurate.
- 5.13 Councillor Jean Walker did not respond to the investigator's emails inviting her for interview.

6 Summary of the material facts

- 6.1 Councillor Pease is a Member of Darlington Borough Council and was attending the meeting of Middleton St George Parish Council in his capacity as a Ward Councillor. He is a former member of Middleton St George Parish Council. Councillor Darling is a member of Middleton St George Parish Council.
- 6.2 Councillor Pease reports there had been “issues” between himself and Councillor Darling since May 2023 during the local elections. He believes this related to how Councillor David Darling and [REDACTED] Member of the Public 1 could not apply to be conservative candidates and were “put out” when Councillor Pease decided to put his name forward to be a conservative councillor and stood for the election. Councillor Darling does not believe there were any particular issues between himself and Councillor Colin Pease prior to the incident taking place on 13 May 2024.
- 6.3 There were 13 people in total present at the meeting held on the 13 May 2024, and 12 have provided statements. The meeting room is quite small (see Appendix 1, which shows where people were sat). There were two members of the public in attendance (Member of the Public 1 and Member of the Public 2) who were sat toward the back of the room near the door. Councillor Pease was also sat in this area in between the two members of public. Councillor Bullock was the chair at the time of the meeting, and Mr Macnab was the Clerk who was making an audio recording of the meeting.
- 6.4 Member of the Public 1 also made [REDACTED] own audio recording of this meeting. Member of the Public 1 did not make anybody aware of the fact [REDACTED] was doing this beforehand. During [REDACTED] interview [REDACTED] believed [REDACTED] had a right to record this meeting as it was a public meeting and did not elaborate further on why [REDACTED] felt the need to make [REDACTED] own recording. Some of those interviewed believe that given the questions Councillor Darling was going to ask Councillor Pease, it may have been anticipated that the meeting could have involved confrontation, and this was why Member of the Public 1 had wanted to record this particular meeting.
- 6.5 The audio recording provides additional context in respect of how the altercation started. It also provides confirmation that people were shouting for Councillor Darling to “stop” at the point the physical altercation started. As this is an audio recording and not a video recording, it is less easy to determine the actions of the individuals present at the meeting.
- 6.6 Councillor Pease shared with the investigator that he was in possession of the audio recording made by Member of the Public 1. He advised the investigator that he believed this particular audio recording had been doctored in a way that portrayed him to be more of the aggressor. The investigator requested a copy of this audio recording from Councillor Pease. However he stated that he had already shared this with Mr Swinhoe. The investigator received an audio recording via e-mail from Mr Swinhoe on the 8 June 2024.

The investigator has completed a transcript office audio recording and compared it to the audio recording made by the Clerk. Both recordings are the same.

6.7 The facts of how the verbal altercation started are not in dispute. Councillor Darling asked Councillor Pease a number of questions during an Agenda item entitled Ward Councillors Report. Councillor Darling and Councillor Pease then start to talk over each other, voices getting louder, about matters relating to finances and spending. Councillor Pease then responded in an agitated way and stood up pointing his finger in the table and towards Councillor Darling, calling him a prat.

6.8 However, there is a dispute in regard to who initiated the physical altercation, and who assaulted who. Councillor Pease accuses Councillor Darling of assaulting him by *“grabbing him round the neck, headbutting his nose resulting in blood on his shirt with cuts and bruises on his collarbone and arms.”* Councillor Darling denies this, saying that Councillor Pease *“punched him first.”*

7 Summary of evidence

Complaint made by Councillor Pease

- 7.1 Councillor Pease made his complaint about the conduct of Councillor Darling to Darlington Borough Council on the 15 May 2024.
- 7.2 Councillor Pease advised that he arrived at the Parish Council meeting at 6:30pm on Monday 13 May 2024. He explained that item 3 is the ward councillor's report and he reported that he did not have any major issues to discuss in his recent work. Councillor Pease advised the meeting that he was happy to take questions.
- 7.3 Councillor Pease reports that Councillor Darling *“promptly started to read off a pre prepared list of complaints against him”*. Councillor Pease was of the view these questions had not been approved by the Parish Council and they were all unaware of Councillor Darling's intended action.
- 7.4 Councillor Pease describes it as a “tirade” of questions which he tried to address each point in turn. Councillor Pease stated that Councillor Darling spoke constantly toward him and reeled off many questions one after the other. Councillor Pease describes Councillor Darling as *“aggressive in his tone and very provocative”*.
- 7.5 Councillor Pease said that he continued to try and answer the questions, but Councillor Darling kept interrupting him and therefore it was very difficult to keep track, and the situation became more and more heated. Councillor Pease stated that there were raised voices from both of them as he was trying to respond back. Councillor Pease then said that Councillor Marshall commented that that he felt the conversation was inappropriate and that he was going to leave.

- 7.6 Councillor Pease advised that it was at this point he stated something similar to “at which Councillor Darling then took his glasses off and stood up and stomped down the side of the room. Councillor Pease described Councillor Darling’s face as bursting with anger; but that he was not expecting Councillor Darling to “leap” on him.
- 7.7 Councillor Pease stated that he first recalled that the door near him that had been ajar was pushed shut by Councillor Darling, so that he could get closer to him. Councillor Pease reports being shocked and surprised that Councillor Darling attacked him, and he was ducking down to try and get his glasses off when Councillor Darling grabbed him around the neck, and he thinks that Councillor Darling head butted his nose.
- 7.8 Councillor Pease advised that the incident happened very quickly, and he was struggling to recall the exact events. Councillor Pease reported that there was blood on his shirt, and he honestly could not understand how he ended up with cuts and bruises on his collarbone and arms. Councillor Pease stated that during the incident his left arm was trapped against Councillor Darling, therefore he used his right hand to try and hit Councillor Darling to get him off.
- 7.9 Councillor Pease stated that he noticed other councillors were then trying to grab Councillor Darling off him, with people shouting things like; “*David, what are you doing*”. Councillor Pease recalled that he then said; “*this is an assault I’m going to report you to the police and these glasses you have just broken cost £325, what is the matter with you?*”.
- 7.10 Councillor Pease advised that they were then both separated by the councillors, and somebody asked him if he would like a glass of water and to sit down. He stated that Councillor Marshall and then Councillor Bullock followed him out and apologised.
- 7.11 Councillor Pease shared a photograph with the investigator of the injuries he received as a result. He had explained that his nose was red and bruised and he had cuts near his collarbone where the blood had dripped on to his shirt and he has a curved cut on his left shoulder as well as a bruise on his left arm as if he had been grabbed.

Account of Councillor Hazel Bullock

- 7.12 Councillor Bullock described the room and where everybody sat; on her right was Councillor Darling, with Councillor Pease and two members of the public sitting immediately to the right of the door. Councillor Bullock advised this door was open.
- 7.13 Councillor Bullock shared with the investigator that she had written her own notes immediately after the event and therefore her recollection is good. Councillor Bullock stated that Councillor Darling had come prepared with an

A4 sized sheet of printed questions that he wanted to ask of Councillor Pease.

- 7.14 Councillor Bullock stated that Councillor Pease had started to try to respond to the first couple of points raised by Councillor Darling; but she began to get concerned that most of the points were nothing to do with council business. Councillor Bullock reported that both Councillor Pease and Councillor Darling started to raise their voices and became more aggressive.
- 7.15 Councillor Bullock stated that Councillor Marshall then stood up and announced to the meeting that he was leaving and expected to return when both parties had stopped arguing and left the room. Councillor Bullock stated that Councillor Pease then stood up as if to leave but leaned on the table pointing his finger at Councillor Darling whilst saying something that she did not hear. At this point she advised Councillor Darling removed his glasses pushed back his chair violently and stood up going towards the door slamming it shut before Councillor Pease could leave.
- 7.16 Councillor Bullock stated that Councillor Darling then “set upon Councillor Pease” who reciprocated, with both men being locked in a very physical exchange of attempted punches and hair pulling. Councillor Bullock advised that Councillor Pease’s glasses were knocked from his face and broke on the floor. Councillor Bullock described how Jean Walker made efforts to separate the men, before Councillor Marshall returned to the room and took Councillor Pease outside.
- 7.17 Councillor Bullock stated that Councillor Darling then returned to his seat and when she asked him to leave, he refused. Councillor Bullock said she looked at the other councillors, who all appeared shocked; Councillor Darling then eventually left the room.
- 7.18 Councillor Bullock stated that following the meeting, she felt that Councillor Darling should be spoken to with a suggestion that he considered resigning due to the impact his behaviour had on his fellow councillors. Councillor Bullock was of the view that Councillor Darling verbally provoked Councillor Pease, and while Councillor Pease was wrong to call Councillor Darling a prat, there was no excuse for the violence from Councillor Darling. She stated that the act of slamming the door shut was in her view the first act of aggression. Councillor Bullock did not see who threw the first punch, as both parties were locked together, and it was a very small space. Councillor Bullock believed Councillor Darling did not treat others in the meeting fairly or with respect and is not the behaviour of an officer in the public domain.

Account of Councillor Deborah Laing

- 7.19 Councillor Laing stated that she arrived at the meeting slightly late, at the point where Councillor Darling was asking Councillor Pease questions. Councillor Laing felt the questions were inappropriate. Councillor Laing stated that she was sat opposite Councillor Darling where she watched him “grill” Councillor Pease, before Councillor Pease stood up and started

pointing at Councillor Darling, saying; “you and your fiefdom”, calling Councillor Darling a prat.

- 7.20 Councillor Laing stated that she saw Councillor Darling take off his glasses and stand up going over towards Councillor Pease in a rugby type tackle and slamming the door. Councillor Laing stated it was like a wrestling match, and she could see Councillor Pease then punch Councillor Darling a few times. She could not see what Councillor Darling was doing due to the angle of where she was stood.
- 7.21 Councillor Laing stated that she could not believe what she was seeing and there was a lot of screaming going on, and the two members of public tried to split it up.

Account of Councillor Monty Brack

- 7.22 Councillor Brack stated that he was sat next to Councillor Darling. Councillor Brack felt that Councillor Darling was putting questions to Councillor Pease that were nothing to do with the parish council. He believed that Councillor Darling was “getting back at” Councillor Pease for previous issues between them.
- 7.23 Councillor Brack stated that Councillor Pease then came across to the table with his finger pointing and went as if he was going to leave the room. He stated that he saw Councillor Darling then get up and go towards Councillor Pease and there was a lot of pushing and shoving; he thinks that Councillor Pease’s glasses also fell in the tussle.
- 7.24 Councillor Brack was of the view that both parties were responsible as each other for the physical interaction.

Account of Councillor Simon Pleydell

- 7.25 Councillor Pleydell described how the meeting started, and then the agenda item for the ward councillor began, and Councillor Darling “started a whole lot of questions clearly pre prepared as they were printed on paper.”
- 7.26 Councillor Pleydell was of the view that this was provocation by Councillor Darling, and all the questions were asked in a way of a “barrage” rather than allowing Councillor Pease to respond.
- 7.27 Councillor Pleydell stated that the conversation continued to be heated and Councillor Pease stood up and leant over the table and called Councillor Darling a name which he can’t exactly remember. Councillor Pleydell stated that Councillor Darling then took his glasses off, and also got up and then they started hitting each other. Councillor Pleydell stated that the incident was very fast, and he could not recall who hit who, he just remembered however that the door was shut, and that Councillor Jean Walker tried to separate them.

- 7.28 Councillor Pleydell was of the view that the two parties have a major disliking for each other, and he felt blame was attributed to both of them for the violence. Councillor Pleydell stated that he felt both individuals had equal opportunity to walk away and not do what they did.

Account of Councillor Les Foggett

- 7.29 Councillor Foggett stated this at the start of the meeting Councillor Darling produced an enormous “wad” of paper and proceeded to go through a list of things he had read and comments that Councillor Pease had allegedly made on Facebook. He stated that this was not a lot to do with the parish council at all, and he considered that there was a grievance between the two because of the manner in which Councillor Darling was asking the questions.
- 7.30 Councillor Foggett Stated that about 5 minutes into this Councillor Marshall said something similar to; “hang on let's stop this as it is getting personal and it's not parish council business”.
- 7.31 Councillor Foggett stated that it was at this time where Councillor Pease said; “*I'm not listening to any more of this you prat*” or words to that effect. He stated that Councillor Pease then got up to leave, but Councillor Darling jumped out of his seat and slammed the door shut in front of Councillor Pease stopping him leave.
- 7.32 Councillor Foggett could not see who grabbed who first; the next thing both parties had hold of each other and punches were being thrown by both of them. He stated that Councillor Darling grabbed hold of Councillor Pease's jacket lapels and then punches were thrown. During the conflict he stated that Councillor Pease's glasses were knocked from his face and fell to the floor and broke and he also had a nasty mark on the side of his nose.
- 7.33 Councillor Foggett reported that Councillor Darling was restrained by Councillor Walker, both were still on their feet then she tried to get in between them. Councillor Foggett stated that she managed to separate them and then Councillor Pease left the room. He stated that it was then a unanimous vote for Councillor Darling to leave the meeting.
- 7.34 Councillor Foggett was of the view that Councillor Darling's response to being called a prat was a disproportionate action; he also advised Councillor Bullock that he felt Councillor Darling “*had broken every rule in the book and it was totally unacceptable*”.

Account of Mr Alan Macnab

- 7.35 Councillor Macnab stated at the start of the meeting Councillor Darling began to ask questions of Councillor Pease, before they started shouting at each other. Councillor Macnab stated that Councillor Marshall intervened and stated that he was not prepared to sit in a meeting where there was so much friction. Councillor Marshall agreed that the questions being asked were not for this meeting; Councillor Marshall then left the room.

- 7.36 Councillor Macnab stated that Councillor Pease then proceeded to try and leave the room. He stated that there were raised voices between Councillor Pease and Councillor Darling; Councillor Darling then took his glasses off and laid them on the table in front of him and rose from his chair, moving towards the door as Councillor Pease was wanting to leave and physically assaulted Councillor Pease.
- 7.37 Councillor Macnab advised that he saw how Councillor Darling had his arm around Councillor Pease's head, and he recalled this was at the point where Councillor Darling threw a punch at Councillor Pease's head causing his glasses to fly off. He stated that there was an air of shock in the room, and he heard somebody call for the police. He saw Councillor Pease struggling to get away and he looked shocked.
- 7.38 Councillor Macnab stated that Councillor Pease then left the building. Councillor Macnab stated that the chair of the meeting Councillor Bullock shared the view that the conduct of Councillor Darling was disgraceful, and he was asked to leave the meeting. Councillor Macnab was of the view that Councillor Darling should not have asked the questions he did, and they were totally irrelevant to the meeting. He advised that Councillor Pease then reacted to these questions, and this is when the matter escalated and ended up in violence.

Account of Councillor Adrian Marshall

- 7.39 Councillor Marshall stated that at the start of the meeting Councillor Darling went through or prepared sets of questions that he had typed on paper which had no bearing on the parish council and his attitude was very aggressive.
- 7.40 Councillor Marshall stated that initially Councillor Pease replied calmly, but it seemed that Councillor Darling became increasingly aggressive and as a result Councillor Pease became more agitated.
- 7.41 Councillor Marshall stated that he stood up and said he did not think that the questions were part of the meeting and that they should stop, and they should move on to which Councillor Bullock agreed.
- 7.42 Councillor Marshall reported that things were escalating, and he decided to make a gesture to try and make people see sense and therefore he stood up and said; "I'm not prepared to listen to this and will leave the room and only come back when this is calmed down."
- 7.43 Councillor Marshall said he then left the room, and after a short while he heard some noises and realised something was happening. Councillor Marshall reported that he then tried to open the door to go back in, but this was blocked, and he could not open it.
- 7.44 Councillor Marshall advised it he eventually did get into the room and saw Councillor Pease looking pretty shocked and upset with Councillor Darling;

Councillor Pease 's glasses were broken and then he took Councillor Pease outside, seeing blood on his shirt and there were abrasions on his nose.

Account of Councillor Maggie Beadle

- 7.45 Councillor Beadle wanted her account to remain factual and did not wish to provide opinion and therefore her statement was short. Councillor Beadle stated that Councillor Darling started to read from a list of pre prepared questions. She advised that then Councillor Darling stood up, paused and took a deep breath and turned and strode towards CP.
- 7.46 Councillor Beadle stated the as he passed the door, Councillor Darling reversed his hand and pushed it away from him in order to get to Councillor Pease.
- 7.47 Councillor Beadle stated that Councillor Darling flung his right arm around Councillor Pease's neck and punched him three times in the face; Councillor Pease's glasses flew off.
- 7.48 Councillor Beadle could not recall much more as people then began to rise from their seats. Councillor Beadle was of the view that Councillor Darling had physically assaulted Councillor Pease; she was very shocked.

Account of [REDACTED] Member of the Public 2

- 7.49 Member of the Public 2 stated that she attended the meeting held on the 13 May 2024 as she wanted to become a parish councillor. She stated that she sat with Member of the Public 1 on one side and Councillor Pease on the other.
- 7.50 Member of the Public 2 stated that Councillor Darling started to ask questions of Councillor Pease regarding his conduct and Councillor Pease was taken aback by this. Member of the Public 2 advised that it was awkward to listen to.
- 7.51 Member of the Public 2 stated that the questions continued, and Councillor Marshall stood up saying something like he was leaving until the issues were resolved and then left the room. Member of the Public 2 reported that Councillor Pease then stood up placing his hands on the table leaning over; both parties were shouting at this point and Councillor Pease called Councillor Darling a prat.
- 7.52 Member of the Public 2 stated that Councillor Darling immediately got up and either pushed the door shut or slammed it (there was a loud bang) and this is when Councillor Pease and Councillor Darling interlocked; Councillor Darling had hold of Councillor Pease with his arms around him and Councillor Pease was the same.
- 7.53 Member of the Public 2 explained how a lady from the parish council tried to get them off each other; she was completely shocked. Member of the Public 2 explained that at one point they were just "ragging each other around".

- 7.54 Member of the Public 2 stated that Councillor Pease threw a right punch to which she then stood up as she did not want the [REDACTED] getting an elbow in their faces and then stood between both men. Member of the Public 2 stated that Councillor Pease then threw another punch, and she screamed for both parties to get off each other as there were ladies present.
- 7.55 Member of the Public 2 stated that Councillor Pease's glasses hit the floor in the struggle; Councillor Pease then went outside, and Councillor Darling sat down. Member of the Public 2 felt that both parties were at fault and the violence should not have happened.

Account of Member of the Public 1

- 7.56 Member of the Public 1 advised that [REDACTED] is [REDACTED] of Councillor Darling and had attended the meeting on 13 May 2024. Member of the Public 1 advised that [REDACTED] made [REDACTED] own recording of the meeting; [REDACTED] attends such meetings on a regular basis, and [REDACTED] believed [REDACTED] had a right to record the meeting, even though [REDACTED] did not ask anyone's consent or advise any parties of this beforehand.
- 7.57 Member of the Public 1 stated that Councillor Darling questioned Councillor Pease about some of the things he had said and done during his time as ward councillor. Member of the Public 1 believe this was done in a calm manner.
- 7.58 Member of the Public 1 is of the view that during the course of the conversation Councillor Pease became agitated and raised his voice in an aggressive manner. Member of the Public 1 stated that Councillor Pease said things like; *"you stuck your nose into my community fund"*. Member of the Public 1 stated that Councillor Marshall got up and said he was leaving the room and would come back when everybody could act in a calm and professional manner.
- 7.59 Member of the Public 1 stated that Councillor Pease got up from his chair and crossed the room and walked over to the table and leaned across Councillor Jean Walker and was pointing his finger at Councillor Darling saying; *"carry on running it as your fiefdom you can leave me out of it"*, before calling Councillor Darling a prat.
- 7.60 Member of the Public 1 stated that Councillor Pease then turned round and walked towards the open door which is when Councillor Darling got up and pushed the door towards Councillor Pease, he was on his way out.
- 7.61 Member of the Public 1 advised that Councillor Darling then got hold of Councillor Pease's shoulders and this is when [REDACTED] started shouting David's name. [REDACTED] stated that [REDACTED] saw Councillor Pease then hit Councillor Darling with a fist in his face and [REDACTED] started to try and pull Councillor Pease off Councillor Darling.
- 7.62 Member of the Public 1 stated that [REDACTED] was being pushed backwards and forwards and punches were being made. Member of the Public 1 saw Councillor Pease hit Councillor Darlin twice and she and Member of the Public 2 [REDACTED]

and Councillor Jean Walker tried to separate them. Member of the Public 1 stated that in doing so Councillor Pease's glasses came off and caused a cut to the bridge of his nose.

7.63 Member of the Public 1 advised that [REDACTED] was hyperventilating and shaking, [REDACTED] was in shock. Member of the Public 1 reported that [REDACTED] had no idea that Councillor Darling was going to ask the questions that he did. Member of the Public 1 was of the view that it was unjust for someone to be allowed to punch another man in the face and get away with it which is why [REDACTED] and [REDACTED] reported the matter to the police as soon as they got home that night.

7.64 Member of the Public 1 declined to share review on Councillor Darling's behaviours.

Account of Councillor David Darling "

7.65 Councillor Darling stated that he decided to question Councillor Pease on matters that he had written on a list in respect of funding and his attitude with the council and criticism of a colleague. Councillor Darling stated that his questions were pointed directly to Councillor Pease about specific things that had happened either with or by him. Therefore, he appreciates that Councillor Pease may have felt uncomfortable.

7.66 Councillor Darling stated that Councillor Pease stood up from his seat and leant over a parish councillor and he was banging the table with his finger and saying something similar to; "I could keep the parish council fiefdom" and Councillor Pease was getting more and more angry.

7.67 Councillor Darling stated that Councillor Pease then got up and walked towards the door and called him a prat. Councillor Darling advised that he wanted Councillor Pease out of the meeting, and this is why he also then stood up and went to shut the door.

7.68 Councillor Darling stated that Councillor Pease then punched him once or twice. Councillor Darling did not recall shutting the door in order to stop Councillor Pease getting out. But he accepts he must have got up quickly from his seat, as Councillor Pease was already stood near the door.

7.69 Councillor Darling was certain that Councillor Pease punched him first in the cheek, and in response he (Councillor Darling) pushed the flat hand up against Councillor Pease's chin. Councillor Darling denied getting Councillor Pease in a headlock.

7.70 Councillor Darling could not recall hearing anybody saying they were going to call the police, and he also could not recall anything about Councillor Pease's glasses. Councillor Darling could also not say how Councillor Pease sustained a cut to his nose or any other parts to his body, but he does wear a heavy watch which may have connected whilst he was trying to get his palm under Councillor Pease's chin.

- 7.71 Councillor Darling stated that the incident happened over a very short space of time and the altercation was broken up by other councillors and members of the public including [REDACTED]
- 7.72 Councillor Darling reports that he was not aware until after the event that [REDACTED] had been audio recording the meeting. Councillor Darling advised that after the incident he went back into the meeting room and there was a unanimous vote for him not to remain in the meeting which he understands, and he also appreciates that people were shocked.
- 7.73 Councillor Darling advised that he has seen the Codes of Conduct.
- 7.74 Councillor Darling was of the view that both himself and Councillor Pease have acted in an unreasonable way.
- 7.75 The investigator asked Councillor Darling if he felt there was any time he could have walked away from the situation to prevent the altercation. Councillor Darling found this was difficult to say as it all happened very quickly.

Analysis of the audio recording (appendix 2)

- 7.76 The investigator has received 2 audio recordings. One is from Member of the Public 1 and one is from the clerk. Both of these recordings contain the same information in the same order and there is no difference between them.
- 7.77 On the audio recording you can hear how Councillor Darling asks Councillor Pease a lot of questions one after the other without allowing Councillor Pease opportunity to respond. The questions are direct and personal. Some of the parish councillors interject advising that this was not appropriate for this meeting. You can then hear Councillor Marshall advise that he is going to leave the room saying;

05.37 - "I'm going to suggest that people calm down and then when I come back maybe I think we should just continue the meeting in a calm and professional way".

- 7.78 Councillor Pease is then heard to say;

05.39 - "well you can carry on running it as your little fiefdom without me" and then; 05.53 - "sorry I'm not listening to that Prat".

- 7.79 Loud noises can then be heard with Councillor Bullock saying;

05.54 - "Colin Colin excuse me Colin"

- 7.80 You can then hear a loud door slamming and somebody's voice saying;

06.09 - "no David, David, stop" and Councillor Bullock saying "for goodness sake have some dignity David stop."

- 7.81 There is then another noise seemingly like a scuffle before another person says;

06.27 - "no hey Colin, Colin Colin stop it, David. Enough enough enough. David now please there are women in here now enough David sit down."

- 7.82 The voices are clearly loud, shouting and can be described as scared.

- 7.83 Councillor Pease then says;

06.29 - "what is the matter with you" and somebody saying; "David you will end up having a stroke doing that sit down."

- 7.84 The audio recording then seems to show things as calmer with it apparent that the altercation has ceased. There is some conversation before Councillor Bullock says;

07.16 - "I invite Councillor David Darling to leave the meeting now I really don't feel that we should be here after the outburst".... "(inaudible) with behaviour of parish councillors and consider action because that was completely unprecedented and disgraceful it was just ridiculous, and I don't particularly want you in the meeting."

8 Further analysis of the potential breaches of the Code of Conduct

- 8.1 The most relevant parts of the Code of Conduct are respect (Section 1) and disrepute (Section 5), which are set out below:

1 Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

(explanatory text):

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the

public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

- 8.2 Councillor Darling had commenced asking Councillor Pease a set of questions that were pre prepared on a printed piece of paper. This is described by some as being "a tirade" or "barrage" from an "enormous wad of paper". The majority felt the questions were not relevant for that particular meeting and Councillor Darling himself accepts that his questioning was direct, and he could understand why Councillor Pease may have felt uncomfortable.
- 8.3 Considering the nature and content of the questions, their relevance to the meeting and agenda item and the tone from the recording the impression created is that Councillor Darling was not acting with politeness and courtesy when putting these questions to Councillor Pease.
- 8.4 Councillor Pease is reported to have responded to these questions initially quite calmly. Most witnesses report that the continued questioning made Councillor Pease more agitated. The tone of both Councillor Darling and Councillor Pease becomes less civil.
- 8.5 Councillor Marshall interjects and seeks to calm matters. This did not work, and the exchanges become more heated. At this point Councillor Marshall says he is going to leave the meeting and suggests people calm down.
- 8.6 Councillor Pease says he is also leaving and before doing so makes comments to Councillor Darling about; "your fiefdom", and says that he is "not listening to that prat". Almost all of those present at the meeting also described how Councillor Pease stood up and used his finger to jab at the table or lean towards Councillor Darling whilst using these words.
- 8.7 The reaction by Councillor Pease could be seen as acting in a threatening or intimidating manner. This could be seen as showing a lack of respect towards Councillor Darling.
- 8.8 Witnesses then describe that Councillor Darling then stood up and took his glasses off, placing them on the table before very quickly moving towards the door and slamming it shut as Councillor Pease was going to leave the room. This was seen by the majority of those present as an act of aggression, which Councillor Darling could have chosen not to do. It has the look of someone preparing for a physical encounter and could be viewed as threatening
- 8.9 Legally a common assault is when a person inflicts violence on someone else or makes them think they are going to be attacked. It does not have to involve actual physical violence. The act of removing glasses and then

slamming the door to prevent someone leaving, could have made Cllr Pease to apprehend he was about to be attacked.

8.10 This type of conduct could amount to a failure to treat with respect towards Cllr Pease

8.11 It is not in dispute that there was physical contact between Cllr Darling and Cllr Pease. There is conflicting evidence on precisely what happened but there is clear evidence from a number of witnesses that Councillor Darling then physically engaged with Councillor Pease. This was unwelcome and resisted. The recording has voices telling both Councillor Pease and Councillor Darling to stop

8.12 The nature of the physical engagement appears to be akin to an assault. This could be seen to be showing a lack of respect towards Councillor Pease.

8.13 Overall there are 3 separate aspects that could be considered as failing to treat with respect by Cllr Darling;

- a) Councillor Darlings manner and tone when he questioned Councillor Pease
- b) Councillor Darling taking his glasses off, rising from his chair and slamming the door shut,
- c) Cllr Darling taking hold of Councillor Pease and engaging in a physical altercation

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

(explanatory text):

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct bringing the role of councillor or the authority into disrepute.

8.14 Words used to describe the verbal and physical altercation have been "disgraceful", "unprofessional", "ragging each other around". Most of those in attendance portray a feeling of shock, Member of the Public 1 specifically states that [REDACTED] was shaking.

- 8.15 The audio recording evidence is shouting, screaming, and voices that you would describe as being in shock. The audio recording you can hear people shouting loudly things such as; *“David, David, stop”*. *“Please have some dignity”* “I have never experienced aggression like that” *“completely unprecedented behaviour”* *“enough, enough, now please there are women here”*
- 8.16 All those interviewed described how Councillor Pease and Councillor Darling were interlocked in a physical altercation with each other. Some of these descriptions do vary, which is understandable given the fast pace of the incident and the different positions people would have been seeing this from.
- 8.17 Councillor Bullock states; *“Councillor Darling then “set upon CP” who reciprocated, with both men being locked in a very physical exchange of attempted punches and hair pulling”*.
- 8.18 Councillor Laing stated; *“she saw Councillor Darling take off his glasses and stand up going over towards Councillor Pease in a rugby type tackle and slamming the door. Councillor Laing stated it was like a wrestling match, and she could see Councillor Pease then punch Councillor Darling a few times. She could not see what Councillor Pease was doing due to the angle of where she was stood”*.
- 8.19 Councillor Foggett stated; *“Councillor Darling grabbed hold of Councillor Pease’s jacket lapels and then punches were thrown.”*
- 8.20 Councillor Macnab stated; *“Councillor Darling had his arm around Councillor Pease’s head and he recalled this was at the point where Councillor Darling threw a punch at Councillor Pease’s head causing his glasses to fly off.”*
- 8.21 Councillor Beadle stated; *“Councillor Darling flung his right arm around CP’s neck and punched him three times in the face; CP’s glasses flew off.”*
- 8.22 Councillor Darling denies this and advised that Councillor Pease punched him first.
- 8.23 Both Councillor Pease and Councillor Darling agree they were in a physical altercation together. Councillor Darling believes both he and Councillor Pease have acted inappropriately.
- 8.24 Determining whether these provisions of the code of conduct have been breached is an issue for the panel and will likely depend on the panel’s view of the conduct of Cllr Darling as a whole, prior to the physical engagement, during and afterwards
- 8.25 A matter to be considered is whether the conduct that is established has lowered the public's confidence. It is specifically noted that two members of the public were present during this meeting. The incident was something that

the wider public have become aware of and it has been picked up on social media and by the press.

9 Issues for consideration by the panel

9.1 The panel is asked to determine whether the following provisions of the Code of Conduct for Members have been breached:

- (a) Paragraph 3 (1) – “you must treat others with respect”
- (b) Paragraph 5 – “you must not conduct yourself in a manner which could reasonably be regarded as bringing your office as a member or the Council into disrepute”

9.2 To assist in decision making, the panel may find it helpful to consider the following issues:

- (a) The definition of bringing into disrepute, is conduct that could potentially damage the public's perception of the individual or the authority. If that individual is representing the local authority, then their behaviour could also lower the public's confidence in the local authority.
- (b) A Councillor whose actions provoked or caused a physical confrontation during a parish council meeting could be viewed as bringing their role as a parish councillor into disrepute and also the local authority.

10 Recommendation

10.1 It is my conclusion that there is sufficient evidence to support the complainant that there has been a breach of the Code of Conduct by Councillor Darling. By asking a number of questions that were critical of Councillor Pease and initially without allowing him to respond, led to the reaction from Councillor Pease. Then by aggressively slamming a door preventing Councillor Pease from leaving and engaging in a physical altercation whereby punches were thrown and causing shock to councillors and members of the public, Councillor David Darling has broken the code of conduct.

10.2 My recommendation is that this matter should proceed to a hearing so that the panel can consider, and determine, whether there has been a breach of the following provisions of the code of conduct:

- a) Paragraph 3 (1) – “you must treat others with respect”

- b) Paragraph 5 – “you must not conduct yourself in a manner which could reasonably be regarded as bringing your officer as a member or the Council into disrepute”

Investigator’s signature:

[Ellie Dewar]

Date: 6 December 2024