

Complaint Ref Councillor Steve Tierney

Yesterday evening (Monday 19th May) I was in attendance at a meeting of Wisbech Town Council. The meeting started at 7.30 pm. Our rules allow 15 minutes at the start of the meeting for public participation. On this occasion there were 3 people wishing to speak as participants, those people being County Councillors Paul Clapp and Alan Lay as well as Dean Reaves re an agenda item.

As Cllr Lay got up to speak Cllr Tierney turned his phone and proceeded to film him speaking with the phone being placed just a little way from Cllr Lay's face. He had not sought permission to do so and we as a council do not have a policy of filming or taking audible recordings of meetings (although I appreciate it's Government policy). It is my belief that this was being done intentionally to intimidate and try to embarrass Councillor Lay. (I am aware that there has been a previous complaint of Councillor Tierney's behaviour towards Cllr Lay.)

I therefore believe Cllr Tierney's behavior was improper and unbecoming in his role as a Councillor. It is my belief that he was being intentionally discourteous and disrespectful and deliberately intimidating towards a person who was wishing to speak during Public Participation time.

As the filming was taking place I called a point of order to the Mayor. After some discussion Cllr Tierney asked if it was wished that he should cease recording to which the Mayor's reply was yes. Cllr Tierney then placed his phone on the table.

Cllr Tierney has a blog site and has made comments re last nights issue which you may find useful below

[May 19, 2014](#) | Author: [Steve Tierney](#)

Prevented From Filming

Tonight – the first time I have ever seen it – a UKIP County Councillor turned up to a Wisbech Town Council meeting! Not one, but two of them! Honestly, I couldn't believe my eyes. Not only that, but they indicated they wished to speak in the Public Speaking slot that precedes each meeting.

Immediately, I pulled out my phone. I wanted to record the wise words of Cllrs. Lay and Clapp for posterity, particularly since I had no idea how long it might be until they graced us with their presence again. I thought: "This must be really important. They must have something of note to say!" And I thought it would be helpful for the wider public to hear it too.

I did not imagine there would be any problem for two reasons. First of all, we ironed out the issue of cameras and phones in the past when legendary micro blogger Richard Taylor visited Wisbech and was told he couldn't use his phone. I was under the impression that filming in Council Meetings was positively encouraged.

Also, I was going to film two County Councillors. And the County Council view on filming at meetings is well known – they encourage, support and welcome it in all its forms. I remember the debate – I was there! I remember the UKIP leader of the time, Peter Reeves, standing up and talking grandly about "transparency" and the "importance of the public being able to see what Councillors say and do." Or somesuch. He was very forthright, if I remember rightly.

Then there's the [official guidance about filming](#) Council Meetings as issued by the Department for Communities And Local Government [in June 2013](#).

Can I film the meeting?

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting.

The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.

Now – if those two County Councillors had not come in their official roles, I wouldn't have wanted to film them. But they introduced themselves as County Councillors, and wanted to speak in favour of a motion – quoting their positions as County Councillors as part of the validity of their comments. So there is no doubt that they were "elected representatives" and there is no doubt they were acting "in the public sphere." Therefore, legally, there is no problem whatsoever with me filming them.

Imagine my surprise when there were objections! I had barely begun filming when Councillor Paul Clapp (UKIP) objected. Then Independent Councillor Michael Bucknor objected. "Chairman!" He cried in horror. "He's filming this with his phone." What was his first clue? The fact that I was clearly holding up my phone in full view of everybody and filming it? Then Cllr. Alan Lay – who I had just begun to film – also objected. "Do we 'ave to 'ave all this recording?" He asked. All this recording? It was a single phone.

It was not clear to me on what grounds the objections were made.

I am genuinely puzzled by this. I know UKIP and I are not good friends. But their party is usually really big on the whole “transparency in local government” thing. Cllr Alan Lay surely can’t be shy? He’s been a County Councillor for a year now! Meetings at County Council are often recorded. Back when I was a County Councillor I was recorded loads of times. It’s awkward and uncomfortable if you’re not used to it, but its part and parcel of what you expect when you become an elected representative. I wasn’t recording Alan Lay sitting quietly, or picking his nose, or anything like that. I wasn’t trying to embarrass him somehow. He was making a public statement, as a County Councillor, on an issue that was serious enough that he’d turned up for a Town Council meeting for the first time in my memory. Why shouldn’t I record what he said? What is he afraid of? Is there something he wants to hide? Does he not think the wider public are entitled to hear his comments, when he is speaking on their behalf? I don’t get it.

The Chairman asked me to turn my phone off and of course, given instruction from the Chair, I did so immediately. But I remain puzzled by the objections from “The Independent Group” and from the UKIP County Councillors. The law on this issue is fairly clear, after all. As well as being a Councillor I am also a taxpayer and a voter. I, like any other member of the public, am entitled to make a video recording of elected Councillors making public statements. Yet I was denied this right. Why?

Posted in [UKIP](#), [Wisbech Town Council](#) | [Leave a Comment](#)

You may also find this other article of interest with its demeaning nature towards Cllr Lay

1 **Bad News For Roman Bank**

[Steve Tierney](#) on May 18, 2014 — [Leave a Comment](#)

Bad News For Roman Bank

I’m sorry, but I have some very bad news for the people of Roman Bank. There’s a crazy person out there who seems to think that nearly a thousand of you – one Fifth of the entire population of the area in fact – should be *hung*.

This isn’t some weird and tasteless metaphor. It doesn’t mean “hung” in a funny way, or an oblique way. It’s not wordplay. This gentleman – who as you can probably guess is a UKIP Candidate – thinks that Nine Hundred and Eighty People who live in Roman Bank are: “guilty by association of treason against our nation.” So, if you are an unlucky one of those people who stand accused of this crime you probably want to know precisely what he would like the outcome to be. Luckily, he was quite frank about it: “Those responsible should be hanged by the neck until dead.”

So who are these Nine Hundred and Eighty people? They are *anybody* who voted for the Conservatives, the Liberal Democrats, or the Labour Party. Of course I’m only counting those who did so at the recent by-election. Since his hatred for these “traitors” is rather broad, you could probably go back several years and say anybody who voted in the entire period – which would make the number considerably wider. Particularly if you went back to when Steve Barclay MP was elected.

<http://www.telegraph.co.uk/news/politics/ukip/10839448/My-rivals-should-be-hanged-for-treason-says-Ukip-candidate.html>

Politicians from Britain's three main political parties should be hanged and their voters tried for treason, a Ukip candidate has said.

Labour, Conservative and Liberal Democrat politicians have committed Britain to "slavery inside the EU dictatorship" and should be punished by death, Gordon Ferguson told prospective voters in a letter delivered ahead of Thursday's council elections.

Anybody who votes for those parties is "guilty by association of treason against our nation", he added.

However – things may not be quite as grim as they seem. Although he clearly felt the voters were all complicit traitors – he then seemed to shy away from the idea of hanging *all* of them. Maybe he only meant the Politicians? So the journalist pressed him to clarify. Asked whether he thought his rivals' voters should also hang, the softly-spoken Mr Ferguson said: "If that is the law of the land, that should apply." The decision is for judges, not him he added.

Don't worry – it's *not* the Law Of The Land, so you should all be okay. In fact, it's never been the Law Of The Land for Candidates of a political party to call for the hanging of anybody who doesn't vote for their party. Well, not in this country anyway. I'm not even sure Hitler was quite as indiscreet on matters electoral. Well, not at the start, anyway.

Posted in [In The News](#), [Roman Bank](#), [UK](#)

I have spoken to Cllr Lay and advised him of my intention to submit this complaint re Cllr Tierneys action and he is happy for this to proceed.

Yours Councillor David Patrick

Dear Alan Pain. I once again have to bring to your attention the unbecoming behaviour of Town Councillor Steve Tierney

Last night at the Wisbech Town meeting I was mentally abused by Mr Tierney. He has written in his blog what I call a long diatribe of wasted words about my appearance at the meeting. In fact his writings took longer than my short talk about a plan to reduce to 20 mph within Wisbech minor roads.

His continual verbal abuse is not called for and as far as I am aware I fulfil my obligations. His blog of a week or so ago infers that I have called for the people of Roman Bank to be hung !!!

This is another outrageous statement that I take to be a breach of his undertakings as a Councillor.

I request that his attitude towards my self and UKIP be looked at and if found to be out of order, that he be brought before the Standards Committee.

As you know this will be my second time of questioning his irrational behaviour.

Alan Lay CCC

Dear Alan I went to a meeting of the Wisbech Town council on Monday night as I wished to speak on one of the items on the agenda. I arrived and I had to tell the Mayor what it was I wished to speak on. Cllr V Bucknor stood up to speak and there was laughter and joking going on between Cllr Tierney Cllr Hoy and Cllr Clarke. I have not seen this sort of behaviour in a council chamber before. It was rude and the behaviour was unbecoming of a Councillor. WE could not hear what was being said by Cllr V Bucknor. Yo be perfectly honest it was like being in a school playground.

Cllr Tierney waited for Cllr Alan Lay to speak and he thrust his mobile phone at him to record what Cllr Lay said. Cllr Hoy stated that they are allowed to record meeting. I said you are but not on a Cllrs mobile phone I asked the Mayor as a point of order that yes you are allowed to record meetings but the CAMERA must be manned by a person who is qualified to do this task. The Mayor said that I was perfectly correct and could Cllr Tierney switch his mobile phone off.

Cllr Tierney has done everything in his power to dis credit Cllr Lay. I am asking you not to brush this instance under the carpet but to deal with this man. In my opinion he is a liability to the Conservatives and is doing more harm than good for the people of Wisbech. I would hope that common sence will prevail and you would wish to de select Cllr Tierney as what he is saying at the moment in my oppinion is at least slanderous and if this is how Cllr Tierney gets his kicks then in my oppinion he is mentally ill and should not be a part of Wisbech Town Council.

I look forward for your co-operation with this delectate matter.

County Councillor Paul Clapp

Dear Alan Pain and whoever else it may concern:

Cllr David Patrick's Complaint:

Yesterday evening (Monday 19th May) I was in attendance at a meeting of Wisbech Town Council. The meeting started at 7.30 pm. Our rules allow 15 minutes at the start of the meeting for public participation. On this occasion there were 3 people wishing to speak as participants, those people being County Councillors Paul Clapp and Alan Lay as well as Dean Reaves re an agenda item.

As Cllr Lay got up to speak Cllr Tierney turned his phone and proceeded to film him speaking with the phone being placed just a little way from Cllr Lay's face. He had not sought permission to do so and we as a council do not have a policy of filming or taking audible recordings of meetings (although I appreciate it's Government policy). It is my belief that this was being done intentionally to intimidate and try to embarrass Councillor Lay. (I am aware that there has been a previous complaint of Councillor Tierney's behaviour towards Cllr Lay.)

I therefore believe Cllr Tierney's behavior was improper and unbecoming in his role as a Councillor. It is my belief that he was being intentionally discourteous and disrespectful and deliberately intimidating towards a person who was wishing to speak during Public Participation time.

As the filming was taking place I called a point of order to the Mayor. After some discussion Cllr Tierney asked if it was wished that he should cease recording to which the Mayor's reply was yes. Cllr Tierney then placed his phone on the table. Cllr Tierney has a blog site and has made comments re last night's issue which you may find useful below

- My response.

Yes, I did wish to video Cllr Lay's speech. He is a County Councillor acting in his official capacity, speaking at a Public Meeting on an issue of public interest. County Council have a strict policy of allowing and encouraging filming of all sorts and I expected that this would mean Cllr Lay would be used to being filmed and would not mind me recording his speech so that the wider public could hear his words. As it happened, Cllr.Lay and Cllr. Patrick objected to the filming taking place. I asked the Chairman if I should turn my phone off, the Chairman said he would prefer if I did. I did so immediately. David Patrick's "belief" that I was being discourteous and disrespectful and intimidating is just that – his belief. Of course that is not the case and I struggle to see how the simple act of wanting to film a public elected representative making a speech could possibly be deemed any of those things. If Cllr. Lay did not want people to see him give a speech, I think politics was an odd road to walk.

In reply, I would say that these baseless attempts by Clapp, Lay and Patrick are actually an attempt to bully and intimidate me. But I won't be making a complaint about it. Because I don't find them intimidating at all.

Cllr. Patrick refers to Wisbech Town Council policy about video. The Council's Standing Orders say (in number 70): "there shall be no audio or video recording or photographs of the meeting without the express approval of the council". I would point out that this was the first item of business and the

speakers were not on the agenda so we could not know in advance who they would be. I therefore had been no opportunity to request permission, and got no opportunity to do so since the objections were immediate. Upon my asking for instructions from the Chairman, I immediately complied in the proper way and turned the video off. This is entirely proper behaviour under the circumstances and is not a breach of the Code of Conduct.

I'm glad Cllr Patrick reads my blog and refers to it – please feel free to check it and let me know if anything in it breaches the Code Of Conduct. Since it simply deals with facts and personal views, I don't believe anything in it does.

Cllr. Paul Clapp's Complaint:

Dear Alan I went to a meeting of the Wisbech Town council on Monday night as I wished to speak on one of the items on the agenda. I arrived and I had to tell the Mayor what it was I wished to speak on. Cllr V Bucknor stood up to speak and there was laughter and joking going on between Cllr Tierney Cllr Hoy and Cllr Clarke. I have not seen this sort of behaviour in a council chamber before. It was rude and the behaviour was unbecoming of a Councillor. WE could not hear what was being said by Cllr V Bucknor. Yo be perfectly honest it was like being in a school playground.

Cllr Tierney waited for Cllr Alan Lay to speak and he thrust his mobile phone at him to record what Cllr Lay said. Cllr Hoy stated that they are allowed to record meeting. I said you are but not on a Cllrs mobile phone I asked the Mayor as a point of order that yes you are allowed to record meetings but the CAMERA must be manned by a person who is qualified to do this task. The Mayor said that I was perfectly correct and could Cllr Tierney switch his mobile phone off.

Cllr Tierney has done everything in his power to dis credit Cllr Lay. I am asking you not to brush this instance under the carpet but to deal with this man. In my opinion he is a liability to the Conservatives and is doing more harm than good for the people of Wisbech. I would hope that common sence will prevail and you would wish to de select Cllr Tierney as what he is saying at the moment in my oppinion is at least slanderous and if this is how Cllr Tierney gets his kicks then in my oppinion he is mentally ill and should not be a part of Wisbech Town Council.

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County Councillor Paul Clapp

- My Response

Cllr Clapp refers to conversations between Councillors. I don't recognise his description, but would point out that if the Chairman felt there was too much noise he would have asked the Councillors involved to be quieter. He did not do so and therefore I presume the noise level and the conduct of Councillors was acceptable. Cllr. Clapp will surely know that Councillors are not expected to sit in silence like automatons – and they do not do so in any Council I've ever visited. We do our best to be respectful when people are speaking, but with issues of some fiery debate we do all sometimes get a little noisy – and it is the Chairman who lets us know when we are out of order and asks us to quiet down. But most interesting of all - WHO THE HELL is Cllr Clarke? We don't have a Councillor Clarke on Wisbech Town Council. If that doesn't speak to the accuracy and truth of his complaint, I don't know what does. Cllr Clarke

is the District Councillor who just beat Alan Lay in a by-election. She isn't part of Wisbech Town Council and wasn't present at that meeting.

Cllr Clapp uses colourful metaphors, however I can assure you I did not "thrust my mobile phone" anywhere. I simply held it up, as you do, when you want to record something. Cllr Clapp's next comment is just plain wrong. There is no statement in the Public Bodies (Admissions to Meetings) Act 1960 or the forthcoming new Local Audit and Accountability Act 2014 that says anything at all about: "the CAMERA must be manned by a person who is qualified to do this task." He appears to have just made that up!

I asked for clarification of this last week from the Houses of Parliament Library, Parliament and Constitution centre. This is what they said:-

The 2014 Act permits the Secretary of State to make regulations permitting filming. Draft regulations have been made, but they have not yet been approved by either House of Parliament. In the meantime, therefore, access to and reporting of proceedings at parish and town councils is governed by the Public Bodies (Admission to Meetings) Act 1960.

Councils cannot currently be required to allow filming under this Act: conversely, the Act does not oblige councils to ban filming. Therefore, under the law as it stands, it is for the town council to decide whether or not to permit filming at council meetings.

The councillor also said that another attendee at the meeting stated that councillors were not permitted to film other councillors. The 1960 Act does not distinguish between councillors and other members of the public regarding the right to report on or film town council meetings: the town council has the final say in either case. Likewise, there is nothing in the 2014 Act, or the draft regulations (see below) which would prevent councillors from filming other councillors in a meeting.

The Government published guidance in June 2013 regarding filming of council proceedings. The guidance states:

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

Finally, Cllr Clapp seems to be confusing the powers of the Conduct Committee and a local party. Perhaps you could inform him that only the local Conservative Party and its members can "deselect" me? And I doubt they would do so simply because UKIP people don't like being under scrutiny – but that would be for them to decide. He says I am "slanderous" and yet, as usual, specifies nothing I've said which is slanderous. If he could state which things I've said are "slanderous" then I could respond, but I am not a mind-reader. As for him calling me "mentally ill" – that probably is slanderous. It's certainly rude, and probably offensive to people who do actually suffer from that type of illness. But luckily for him – I don't run crying to the Standards Board each time somebody says something I don't like.

And finally here is Cllr. Alan Lay's Complaint:

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His continual verbal abuse is not called for and as far as I am aware I fulfil my obligations. His blog of a week or so ago infers that I have called for the people of Roman Bank to be hung !!!

This is another outrageous statement that I take to be a breach of his undertakings as a Councillor.

I request that his attitude towards my self and UKIP be looked at and if found to be out of order, that he be brought before the Standards Committee.

As you know this will be my second time of questioning his irrational behaviour.

Alan Lay CCC

- My Reponse

Much like last time he tried to stop me writing stuff with a Standards Board Complaint, this is full of allegations and no actual points. He says I “mentally abused him”. He is referring to the fact that I held a camera up for 10 seconds hoping to record an Elected Councillor making a public speech on a public issue, then immediately turned it off when he and the Chairman asked me to. If that constitutes “mental abuse” then the definition must have changed a lot since I last worked with Public Health.

He refers to my blog as a “long diatribe of wasted words” – to which my response would be “Well don’t read it then. It’s a free country. Or it used to be, before you started trying to silence people who said things you didn’t approve of.”

He refers to be my blog entry “Bad News For Roman Bank” and suggests that I “inferred” that he called for the people of Roman Bank to be hung. In fact, he wasn’t mentioned anywhere in that blog post. It was about a UKIP candidate called Gordon Ferguson and made reference to an article in the Daily Telegraph, which was fully linked in the post. There is nothing in that blog post that in any way is a breach of the Code Of Conduct and anything he thinks was “inferred” is a construct of his imagination, not anything I said.

He says I have “verbally abused” him – but does not specify how, where or when. I don’t believe I ever have. I’ve only spoken to him twice, and both times it was fairly cordial.

Like his Colleague, Cllr Clapp, he also does not seem to understand the process of a Standards Complaint. He calls for you to find me “out of order” and bring me “before the Standards Committee.” In fact, only the Standards Committee themselves can find me “out of order” and I will be happy to come before them and demonstrate that nothing I have said or done breaches the

Code Of Conduct in any way.

He points out that this is the “second time” he has complained. Given that the first complaint got nowhere because nothing in it represented any sort of breach of the Code Of Conduct, the fact that this is the second time he has tried it is hardly supportive of his case.

In Conclusion:-

As I said last time – these complaints are an abuse of the system. No Code Of Conduct is set up to silence political debate, to prevent robust scrutiny or to limit free speech. I strive at all times to avoid rudeness, name-calling, swearing, lies and inaccuracies. When I am stating opinion, that is always clear. When I am relating a rumour, that is always clear. When I wanted to film Cllr Lay – which I thought was a useful democratic tool – he objected and I politely and immediately turned off the camera and accepted his objection. Which was precisely the proper way to behave. UKIP, and now Cllr Patrick alongside them, seem to want to prevent me expressing my political views by trying to silence me through complaints. This will never work. I have made no breach of the Code Of Conduct and have acted properly at all times.

Best Regards,
Cllr. Steve Tierney

