



Standards Committee

Date **Friday 11 March 2022**
Time **9.30 am**
Venue **Committee Room 2, County Hall, Durham**

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 2 December 2021 (Pages 3 - 6)
4. Town and Parish Co-opted Members of the Standards Committee (Pages 7 - 12)
5. Review of Social Media Toolkit (Pages 13 - 30)
6. Standards National Picture Update (Pages 31 - 38)
7. Local Assessment Procedure Update (Pages 39 - 74)
8. Code of Conduct Update (Pages 75 - 84)
9. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
3 March 2022

To: The Members of the Standards Committee

Councillor J Nicholson (Chair)
Councillor F Tinsley (Vice-Chair)

Councillors M Abley, J Atkinson, L Maddison, L Mavin, A Savory, T Smith,
D Stoker, T Stubbs and C Varty

Town and Parish Council Co-opted Representatives:

Councillors T Batson and R Harrison

Contact: Paula Nicholson

Tel: 03000 269 710

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Council Chamber, County Hall, Durham on **Thursday 2 December 2021 at 9.30 am**

Present:

Councillor J Nicholson (Chair)

Members of the Committee:

Councillors J Atkinson, L Mavin and C Varty

Co-opted Member:

Town Councillor T Batson

1 Apologies for Absence

Apologies for absence were received from Councillors L Maddison, A Savory, T Smith, D Stoker, T Stubbs and F Tinsley.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 3 September 2021 were agreed as a correct record and were signed by the Chair.

4 Co-Opted Members of the Standards Committee

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer to update Members on the existing nomination arrangements for the Town and Parish Council co-opted representatives and to consider a proposal to engage in a workshop to identify future arrangements (for copy, see file of minutes).

Town Councillor Batson referred to the importance of the Standards Committee and the standards in public service today were becoming more

and more apparent. He felt that sufficient weight was not being given to the Standards nationally. He referred to the number of complaints from parish councils and that the message was not getting to the elected members. The message needed to be given that elected members had no powers and that it was the parish council that made the decisions and that there were standards that they had to abide by and adopt.

The Governance Solicitor indicated that there had been a number of complaints where a local resolution had been recommended and there is a standing opportunity for parish and town councils to receive code of conduct and standards training. It was also confirmed that in 2022 a training session will be delivered in partnership with County Durham Association of Local Councils to Town and Parish Councillors on the topic of interests.

Councillor Atkinson referred to town and parish council meetings and from his experience the standing orders should be followed and that this would apply to all councillors.

Resolved: (i) That a workshop be held with members of the Standards Committee and County Durham Association of Local Councils facilitated by the Monitoring Officer to consider arrangements for co-opted Members to the Standards Committee.

(ii) That the outcome of the workshop and revised arrangements are reported back to a future meeting of the Standards Committee for approval.

5 Standards National Picture Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the national picture on standards issues affecting Local Government (for copy, see file of Minutes).

Two standards matters both related to Councillor Chrisy Morris of Maldron District Council.

The first matter was considered by the Joint Standards Committee in September 2020, details of which were set out in the report. There were a number of allegations for the Committee to determine primarily relating to the conduct of the member towards senior officers and fellow councillors. The matter was referred for investigation and was considered by a committee and the investigating officer reported that the YouTube posts were posted in an official capacity commenting on Council business and filming on Council premises. The aggressive, intimidating and bullying behaviour brought both the Councillor and the Authority into disrepute. The Independent Person attending the Committee expressed real concern regarding the seriousness

of the conduct towards the Leadership Team resulting in having to submit a complaint.

This was considered by the Committee and the unanimous findings that the code of conduct had been breached in respect of this particular member and did impose sanctions to formally sanction the councillor and restrict access to IT and e-mail until 2022. The Committee recognised that the Councillor did not appear to realise how he came across to others. The Committee also recommended that he be provided with and accepts training on conflict management and resolving disputes. It was also recommended that the Councillor be removed for all Committees, Working Groups or Outside Bodies for the remainder of the Municipal Year.

Following on from this it had been reported in national news that police were called to a meeting on the 4 November 2021 where Councillor Chrisy Morris found himself subject to national press attention.

At the meeting Councillors were asked to vote on the sanctions in light of the Joint Standing Committee findings. The Chair of the meeting attempted to call a vote on the sanctions however he was interrupted by Councillor Morris who was repeatedly saying 'point of order'. The Chair read out a reminder of the Committee Procedure Rules and set out the procedure to be followed if such conduct continued. The Councillor then used a megaphone during the meeting responding saying 'at least I've got the testicular fortitude' the Chair moved that the Councillor should not be heard which the majority of councillors seconded. The Councillor continued to cause disruption and the meeting was adjourned and members walked out in protest, the police were called in respect of that matter.

The third matter related to the potential widening of the scope of the Monitoring Officer in the consideration of complaints. The Home Office were conducting a review of Police and Crime Commissioners and at the end of October 2021, the Home Office contacted the Local Government Association asking for feedback from Monitoring Officers requesting initial views on the proposals as to whether this should fall within the remit of Monitoring Officers pacifically the consideration of complaints against Police and Crime Commissioners.

Durham County Council's Monitoring Officer responded and asked for the opportunity to be consulted properly on the proposals so that the implications could be fully understood and explained and that the cost of such investigations would need to be fully funded by the Home Office Grant.

Officers would continue to monitor these proposals and bring any updates to the Standards Committee and any other associated meetings.

Town Councillor Batson stated that this confirmed what he had previously said and that the issues could be seen nationally. With regard to complaints against Police and Crime Commissioners his personal view was that this was the system and was where they were, people needed to be given the support to make the function work.

Councillor Atkinson commented that standing orders should be consistent in all Town and Parish Councils to prevent circumvention of the rules by Councillors.

Resolved: That the report be noted, and Officers monitor the progress of the matters referred to and keep the Committee updated.

6 Code of Conduct Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an update on the activity since the last meeting in respect of complaints received by Durham County Council against Councillors (for copy of report, see file of Minutes).

The Governance Solicitor advised Members that two further Code of Conduct Complaints had been resolved since the production of the report. These were in respect of COM 354, 357, 361, 362, 365, 367, 370 and 372. A decision notice had been issued recommending local resolution with nine recommendations which included training on various areas to be delivered by the Governance Solicitor and the Monitoring Officer and a review of local practices and procedures in conjunction with County Durham Association of Local Councils and mediation. In respect of COM 358 a decision notice had been issued recommending local resolution for a policy to be implemented.

Training had been provided and delivered as set out in the report.

Town Councillor Batson referred to the 'Good Councillor Guide' and suggested that members should be required to read the guide to enable them to participate at council meetings. He then indicated that Standards don't really have any sanctions so there was no deterrent. In the past the sanctions were meaningful, and pressure needed to be put on MPs to address this.

Councillor Atkinson referred to councillor guidance publications and noted that some of these are the authors own interpretation and guidance rather than rules.

Resolved: That the report be noted.

Standards Committee

11 March 2022

Town and Parish co-opted members of the Standards Committee



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To formalise the arrangements for the appointments of Town and Parish Council co-opted representatives to the Standards Committee.

Executive summary

- 2 In 2012, the membership and composition of the Standards Committee was agreed as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 3 The Standards Committee agreed as part of its work programme to review the co-opted membership and consider proposals for formalising arrangements for future appointments.
- 4 On 2 December 2021 the Standards Committee agreed to hold a workshop with members of the Standards Committee and County Durham Association of Local Councils (CDALC) facilitated by the Monitoring Officer to consider arrangements for co-opted Members to the Standards Committee. The workshop took place on 15 February 2022 where the arrangements for the nomination and appointment were discussed.

Recommendation

- 5 The Standards Committee is recommended to agree a process to take effect upon a vacancy for co-opted Parish Councillor or following a local election as follows:
 - (a) Invite CDALC to seek expressions of interest from its entire membership to be a co-opted member of the Standards Committee for a term of office of four years.

- (b) Where there are greater number of expressions of interest than vacancies CDALC will ballot its membership on the nomination.
- (c) CDALC will formally notify the County Council in advance of its annual general meeting of the nomination for the Town and Parish Council representative providing details of the process undertaken.
- (d) The Town and Parish Council representatives will be nominated for appointment at the County Council's annual meeting or in the case of a mid-term vacancy at the next convenient meeting of the County Council.

6 The Standards Committee is also recommended:

- (a) To request that the Monitoring Officer works with CDALC to prepare information on the role of the Standards Committee and co-opted Parish Council Member to share with Town and Parish Council's prior to expressions of interest being requested.

Background

- 8 As part of the work programme for the Standards Committee it was agreed that a review the arrangements for co-opted Town and Parish Council members to the Standards Committee and their term of office would be considered.
- 9 In 2012, the membership and composition of the Standards Committee was agreed as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 10 There is a general power in section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not Members of the Council, this is the power used to appoint the co-opted Members of the Committee.
- 11 Section 13 of the Local Government and Housing Act 1989 provides that co-opted Members shall for all purposes need to be treated as non-voting Members. Neither the Committee nor the Council has the power to override the statutory position and grant Co-opted Members a formal vote. The power of general competence in the Localism Act 2011 is subject to any pre-existing statutory restrictions.
- 12 Historically, CDALC have sought nominations for co-opted Members from its membership, which have been presented to the County Council to approve the appointment. However, the process has never been formally documented. It is considered appropriate to document the process to ensure openness and transparency and fairness, in particular where there are more expressions of interest than vacancies.
- 13 There are no legal requirements regarding the appointment (save for the eligibility criteria to hold office as a Councillor) or term of office. Practice nationally varies.
- 14 Research has been conducted of the arrangement for other authorities as well as requests through professional networks which indicated that the practice adopted varied nationally.
- 15 There are two co-opted Town and Parish Council representatives on the Standards Committee. Councillor Batson and Councillor Harrison have served on the Standards Committee since 2012 and 2015 respectively.
- 16 On 2 December 2021 the Standards Committee agreed to hold a workshop with members of the Standards Committee and County Durham Association of Local Councils (CDALC) facilitated by the Monitoring Officer. The workshop took place on 15 February 2022 where the arrangements for co-opted Members to the Standards Committee

were presented and views were sought for the formalising of future arrangements.

- 17 At the workshop with the members and CDALC, the general view was that the existing appointments work well as the Town and Parish Council representatives bring valuable experience and knowledge to the Committee.
- 18 The current co-opted members confirmed that they are happy to serve on the Committee and understood the importance of maintaining high ethical standards in local government. It was recognised by the co-opted members that it is important to gain greater interest in this topic and welcome this being opened up to others.
- 19 The Monitoring Officer confirmed that the rationale for this exercise was to formalise the arrangements and have this documented for the future arrangements.
- 20 Overall the views of the of the Committee were that the views of the co-opted members and their collective experience was valuable. It was agreed that the process works but needs to be formalised. It was also suggested that prior to nominations being sought the Monitoring Officer in conjunction with CDALC should share information in relation to the role and to promote the work of the Standards Committee to help encourage people to express an interest.
- 21 At the workshop a consensus was reached that the existing arrangements worked well and that they should be formally documented and agreed by the Standards Committee. Accordingly, in the event of a vacancy for co-opted Town and Parish representative arising or following a local election, CDALC will seek expressions of interest from its entire membership in advance of the County Council's annual meeting. CDALC's executive will agree the nomination where the number of expressions of interest do not exceed the number of vacancies. If the number of expressions of interest is greater than the number of vacancies, CDALC will arrange a ballot of the membership on the nominations. CDALC's executive will confirm the outcome of the ballot to the County Council by providing a report detailing the process undertaken including the key dates, numbers of expression of interest and the name of the nomination(s).

Background papers

- None

Contact:	Kamila Coulson-Patel	Tel: 03000 269674
-----------------	----------------------	-------------------

Appendix 1: Implications

Legal Implications

The legislative framework applicable to the appointment of co-opted members of the Standards Committee is set out in the report.

Finance

There are no financial implications arising out of the report.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

The formalising of existing arrangements will help ensure that there is equality of opportunity across all Town and Parish Councillors to express an interest in becoming a co-opted Member of the Standards Committee.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

None

Crime and Disorder

There are no crime and disorder implications arising out of the report.

Staffing

There are no staffing implications.

Accommodation

There are no accommodation implications.

Risk

None.

Procurement

There are no procurement implications.

This page is intentionally left blank



Report of Helen Lynch, Head of Legal and Democratic Service and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

1. To invite members to review the social media toolkit for members following its implementation in 2021.

Executive summary

2. The Standards Committee on 5 October 2018 agreed a social media guidance and further developed this by introducing social media toolkit for members which was introduced in 2021.
3. The Standards Committee agreed to undertake a review of the social media toolkit following its implementation and to ensure that this remains accurate and fit for purpose.

Recommendations

4. The Standards Committee is recommended to:
 - a. note the contents of the report;
 - b. agree the Social Media toolkit remains fit for purpose and to conduct reviews on a biennial basis. .

Background

5. On 5 October 2018 the Standards Committee approved some social media guidance for Members, a copy of which is shown at Appendix 2.
6. Building on the guidance the Council developed a Social Media Toolkit (the Toolkit) for members was introduced prior to the local elections in May 2021.
7. Members of the Standards Committee agreed as part of the work programme to periodically review the Toolkit to ensure that this remains fit for purpose and meets the needs of members in respect of conduct on social media.
8. The Toolkit builds on the existing guidance as well as incorporating good practice recommendations from the Local Government Association (LGA) with a view to providing members with support on all aspects of social media.
9. The Toolkit is an interactive document which is available to all members through the member portal. A copy of the Toolkit has been reproduced at Appendix 3 of this report.
10. As part of the member development and induction training, all members of the Council following the election in May 2021 received training delivered by the Monitoring Officer on the Code of Conduct, Social Media and the Toolkit.
11. The Monitoring Officer has conducted a review of the current guidance from the LGA and researched any updates for best practice. There are no changes to report to the Committee and therefore the guidance and Toolkit continues to reflect best practice.
12. Members of the Standards Committee are invited to review the guidance and the Toolkit and provide feedback on it to ensure that it remains fit for purpose and provides clear, concise and easy to understand guidance for members on the use of social media.

Background papers

- None

Author

Kamila Coulson-Patel

Tel: 03000 269674

Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

This page is intentionally left blank

Social Media Guidance for Councillors

1. Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
2. There are however some pitfalls to be aware of, and this local Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

A LEGAL CONSIDERATIONS

3. Like anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:

Defamation: if you publish an untrue statement about a person or an organisation that is damaging to their reputation you may be liable to pay damages;

Copyright: publishing information that is not yours, without permission, may also result in an award of damages against you;

Harassment: it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;

Data protection: do not publish personal data of other people, including photographs, without their express permission to do so;

Incitement: it is an offence to incite any criminal act;

Discrimination and ‘protected characteristics’: it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);

Malicious and obscene communications: it is an offence to send malicious or obscene communications.

4. Additional considerations apply to Councillors.

Bias and pre-determination

5. Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code could be engaged.

Equality and discrimination

6. The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

7. Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre-election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

Human Rights

8. Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of

one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights). Observing the use of social media by other people (even on 'open' profiles) can engage Article 8.

B CODE OF CONDUCT

9. Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a Councillor would need to meet the standards of the Code of Conduct.
10. The particular sections of the (County Council's) Code most likely to give rise to complaints are the requirements to treat others with respect; not to bring the office of Councillor or the Council into disrepute; and prohibiting the disclosure of confidential information.
11. You should also consider your position carefully as to whether your online 'followers' or 'friends' are "close associates", for the purpose of declaring interests and participation in meetings where their well-being or financial position would be affected.

C 'NETIQUETTE'

12. Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material, and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them. The Council has a clear approach to the moderation of social media on its website at www.durham.gov.uk/socialmedia and it is recommended that Councillors apply the same to moderating their accounts.

13. Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
14. Beyond that it is generally best to allow disagreement rather than to seek to censor it. However there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
15. Promptly admit to mistakes of fact.
16. Avoid using social media when you are tired, angry, upset or your judgment may be impaired. Be aware that 'trolling' posts can be intended to bounce you into an unwise response to be used against you.
17. Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.

D USE OF SOCIAL MEDIA DURING COMMITTEE MEETINGS

18. Use mobile devices (other than official equipment for the meeting) sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.

19. Mobile devices enable Councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

FURTHER READING

1. "Connected Councillors: A guide to using social media to support local leadership", IDeA, March 2010 and other guidance available on the Local Government Association website (www.local.gov.uk).
2. LGA's Knowledge Hub may contain useful information (<https://knowledgehub.local.gov.uk/>)
3. Sign on to Twitter at <https://twitter.com/> and Facebook at <https://en-gb.facebook.com>
4. Terms and conditions for both sites are available at <https://www.facebook.com/terms> and <https://twitter.com/en/tos>

Durham County Council
Standards Committee
October 2018

This page is intentionally left blank

Appendix 3

Intranet

Jill Errington ▾ ?



Councillors

Intranet homepage

Search this site



Social Media Toolkit

Social Media Toolkit

- Introduction
- Considerations when using social media
- Legal considerations
- Specific considerations for Councillors
- Netiquette
- Code of Conduct
- Responsibility of Councillors on social media
- Use of social media during committee meetings
- Online safety and personal security
- Abuse on social media and how to tackle this
- Social media dos and don'ts
- Further information and guidance

Introduction

Social media encapsulates a wide range of applications and channels such as Facebook, Twitter, Blogs etc.

The benefits of social media are widely recognised and it is a helpful tool to Councillors to engage with their communities.

Social Media affords the Councillors the opportunity to engage with people who do not traditionally seek out their local representatives. It can assist Councillors in gaining an understanding of the local issues, to keep up to date with developments whether that be through the news, publications or announcements and be a vital tool for public debate and its use by Councillors is encouraged.

There are however some pitfalls to be aware of, and this local Guidance is produced to help Councillors avoid these.

[Back to Top](#)

Considerations when using social media

Legal considerations

Like anyone else publishing material, Councillors need to be aware of the laws that apply to published material. Some of the main ones are these:

- **Defamation:** if you publish an untrue statement about a person or an organisation that is damaging to their reputation you may be liable to pay damages;
- **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
- **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
- **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
- **Incitement:** it is an offence to incite any criminal act;
- **Discrimination and 'protected characteristics':** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
- **Malicious and obscene communications:** it is an offence to send malicious or obscene communications.

[Back to Top](#)

Specific considerations for Councillors

Bias and pre-determination

Councillors sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but not have gone so far as to have predetermined their position on a matter. Any views aired on social media (including "liking" a

comment made by others) could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and provisions of the Code of Conduct could be engaged.

Equality and discrimination

The Council is a public authority required to comply with the Equalities Act 2010. It is an offence to discriminate against anyone based on their protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity).

The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

Electioneering

Council resources, including the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre-election publicity period (the period between the notice of election and polling day).

Councillors can continue to use their social media pages during the pre-election period and may use it for campaigning purposes, subject to the [Electoral Commission's guidance on election campaigning](#).

Councillors also need to be mindful that in using their Councillor social media page for these purposes may engage the [Member Code of Conduct](#).

The Head of Legal and Democratic Services issues guidance to all members on the pre-election publicity rules in advance of an election.

The Electoral Commission has also published [guidance including on the requirements to provide a return of expenditure on election advertising](#) which includes web advertising.

Human rights

Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2) which are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights. Observing the use of social media by other people, even on 'open' profiles, can engage Article 8.

[Back to Top](#)

Netiquette

It is recommended that Councillors use social media accounts/pages for council or ward business, which are separate from their personal (or those of close family members/friends) social media profiles and clearly identifiable as accounts used in your official capacity.

Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites.

Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material, and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.

The council has a clear approach to the [moderation of social media on its website](#) and it is recommended that Councillors apply the same to moderating their own accounts

If you let people post comments then you should have clear and prominent guidelines about when you will moderate comments or block people from posting to the site. You should regularly monitor your site, and not be afraid to follow these guidelines.

Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.

Beyond that it is generally best to allow disagreement rather than to seek to censor it, although this should not dissuade you from your objective of seeking to persuade or to foster consensus. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy. Promptly admit to mistakes of fact.

You are strongly advised to avoid using social media when you are tired, angry, upset or your judgment may be impaired. Be aware that 'trolling' posts can be intended to bounce you into an unwise response to be used against you, and always consider whether anything you write might be interpreted in a way you do not intend. If 'trolling' becomes unacceptably harassing then report it to the Police and seek advice from, as appropriate, Member Support or your Parish Clerk.

Think carefully about who to 'follow' or 'befriend' online, and be cautious about accepting 'friend' requests from anyone under the age of 18. Online 'friendships' with Council Officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason and many Councillors wait to be 'followed' before considering returning the compliment.

[Back to Top](#)

Code of Conduct

Councillors should at all times be aware that when using social media they remain subject to the [Council code of conduct](#).

Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention.

Any social media account which could be potentially linked to a Councillor would need to meet the standards of the Code of Conduct.

You should also consider your position carefully as to whether your online 'followers' or 'friends' are "close associates", for the purpose of declaring interests and participation in meetings where their well-being or financial position would be affected.

[Back to Top](#)

Responsibility of Councillors on social media

Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. This also applies if you pass on any similar untrue statements you receive.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is extremely difficult to control and may be manipulated without your consent, used in different contexts, or further distributed.

You can make use of strict privacy settings if you do not want your social media to be accessed by the press or public, however, please be aware that others that have access to your social media could share its content (either deliberately or inadvertently) so you should exercise caution on any private accounts also.

Members should

- read the terms of service of any social media site accessed;
- ensure your pages meet the relevant social media platform and the Electoral Commission's requirements in relation to political engagement/advertising;
- ensure your pages meet any requirements of your political group/party;
- make sure you understand the social media platform privacy settings, the links which can be found at the [further guidance section](#) of this document

It is important to keep in mind, however, that even the strictest privacy settings are no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The code of conduct for Councillors and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a Councillor, you are deemed to be acting in your "official capacity" and any conduct may fall within the code.

You may wish to set up a community page on Facebook. These are valuable platforms to promote local information, news, events or council developments or seek people's views on community or council proposals. Other Ward Councillors and other members of the community can contribute and comment in an interactive manner and whilst most is constructive and uses acceptable language, some individuals may use bad language or 'cross the line' into abuse or harassment.

If you are a Group or Page administrator, Facebook provides you with a range of tools to manage and moderate other people's content or contributions to your Group or Page for more serious breaches of standards.

You can:

- block certain words or apply a 'profanity filter' in the settings, this will stop such postings appearing in your page.
- hide or delete comments, photos or tags.
- ban or remove someone from your pages.

Useful guidance and instructions are available on the '[Banning and Moderation](#)' section of Facebook. Administering a large Group can be a lot of work, particularly if group Councillors are active. If that's the case, you might want to share the responsibility with other Councillors. Guidance on making other people or administrators is available on Facebook.

[Back to Top](#)

Use of social media during committee meetings

Use mobile devices (other than official equipment for the meeting) sparingly, discreetly and with common sense whilst at meetings, considering the impression you are giving to others.

Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.

Mobile devices enable Councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes). However, it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. This could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code of Conduct complaints of a failure to treat others with respect or of bringing the Council into disrepute.

[Back to Top](#)

Online safety and personal security

In any personal online biography, it is advisable to make clear that the views are those of the Councillor in question and may not represent the views of the Council.

If space allows, you may also want to set out a 'response' policy, such as "I welcome questions via email" and an 'engagement' policy, such as "abusive content will be removed".

It is easy to put personal information online, such as your birthday, routines, places you frequent, future visits, holiday destinations, relationships, and opinions, which are then available for anyone in the public domain to access. For personal safety, as well as identity security, you may want to consider whether you share personal information, images of friends and/or family and details of any routines.

Social media posts now include location-based information, particularly from mobile phones, which tells people exactly where you are or where you have been. Again, with personal security in mind, you may want to turn off these notifications.

You can 'search for yourself' to check what information you can find out about yourself, your family or your business on-line. Checking this regularly means you can check what is in the public domain and edit it if necessary.

With respect to personal security, it is advisable not to include on social media details such as your personal phone numbers, home address, details of friends and family or vehicle details.

A photo can relay personal information you may not want shared on social media. It is advisable to only publish photos of family, friends and colleagues with your consent and theirs, to ensure photos don't reveal your home or places frequented with family such as schools or care homes, and to disable automatic photo and location tagging so that you have to approve another user identifying you in a photo or being at a specific location. You may also want to make your family and friends aware that you will be following these precautions.

Some people say things via social media that they probably would not say in person, and they can post false information, insults or messages that you would not want to be associated with you. These can multiply and be shared quite rapidly. Councillors can subject of online abuse, bullying and harassment on social media for further information on how to deal with this see section [Abuse on Social Media and how to tackle this](#).

Having a social media presence means that people can contact you at any time. It can mean that a reply can be expected immediately which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence.

Be aware that some individuals post socially unacceptable, defamatory, inciting or even intimidatory remarks to generate online activity on the back of advertising or promotion of ideologies, brands or events. Similarly, the term "internet troll" is used to refer to a person or group of people who deliberately start arguments or upset people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.

The usual protocols regarding confidential information, copyright, data protection, purdah, exempt reports, etc. apply to social media. Avoid publishing anything where there is doubt or seek permission in advance.

[Back to Top](#)

Abuse on social media and how to tackle this

Any intimidation or abuse on social media is subject to all the same potential criminal prosecutions as other forms of intimidation, with the additional criminal offences relating specifically to electronic communications. You are best placed to determine whether a post or interaction is abusive or intimidating, and if you feel intimidated you can take action to report it.

Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

If you have received online abuse, even if you are not overly concerned or if you intend to ignore it, you should consider keeping a record should any incidents escalate in the future. You can simply 'screen shot', 'clip' or 'snip' tweets or posts on your phone, tablet or computer. (Members Support can help you do this). You may also decide to warn the perpetrator that you are keeping a record of all messages and may refer them to the appropriate authorities, which may stop them posting further comments or might encourage them to delete them. For more serious incidents, the guidance below will assist.

[Back to Top](#)

Tackling abuse on social media

In any situation that arises on social media, you will need to decide whether you want to engage in a discussion or ignore it, and whether the communication is abusive, intimidatory or threatening. When determining whether to engage or ignore, you'll need to balance the risks and likely success of either approach in stopping the situation.

If the communication is abusive, intimidatory or threatening, then keep a record of it (such as a screen shot). You can post that you find the communication abusive, intimidatory or threatening if you want to highlight the poor online behaviour, and report it to the social media platform and to the police. You can also make your council aware that you have been subjected to online abuse, intimidation or threats in your role as a Councillor so they can keep a record or take action as well. If you think there are threats to your personal safety or security, you can ask for advice from the police.

It may be useful to refer to our section on the legislation applicable to harassment and abuse to see if the communication falls into any of the categories so you can describe it to the police in these terms.

Perhaps most distressing is when multiple users all send abusive messages in quick succession or at the same time. This can be overwhelming and the structure of Twitter in particular means that the more posts and retweets, the more others see it, and they can be encouraged to add to the abuse. It can escalate very quickly. There are sadly some who will willingly add to the abuse for their own amusement, even if they are unaware of the details. This is a difficult situation to handle, particularly if the information is being held by another user. If this occurs, you are advised to make a record of the abuse, inform the social media platform, your council and the police if any of the tweets make significant personal threats. You may wish to remove the original post if you can.

If someone has posted some inaccurate information about you or the council, and if the information is defamatory (a false statement that could harm your reputation), again, the first step is to gather evidence. You may then want to contact the individual initially to request that the tweet or post be deleted; some individuals may have made a mistake without malice and will remove their post immediately. Depending on the nature of the tweet or post and the number of followers who may have viewed the tweet, you may wish to seek a correction and/or an apology.

If this approach is unsuccessful or where a defamatory tweet or post causes serious concern or is part of a concerted campaign, in addition to informing your council, you may wish to take your own legal advice.

If the tweet or post is a complaint about a council service, you can ask for contact details and pass the information to officers to follow-up on and inform the individual that this is the course of action you are taking. This may help defuse any tensions.

Twitter

You may wish to unfollow, mute or even block a person or group who is persistently tweeting you or is being abusive or intimidatory. Guidance about to mute and block is available from Twitter, but in summary.

- **Muting** allows you to remove an account's tweets from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can 'unmute' them at any time.
- **Blocking** allows you to restrict specific accounts from contacting you, seeing your tweets or following you. Unlike muting, the perpetrators can find out that they have been 'blocked' and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

Twitter itself promotes 'Rules' encouraging constructive debate but it explicitly prohibits behaviour "that crosses the line into abuse, including behaviour that harasses, intimidates, or uses fear to silence another user's voice". If tweets are so offensive that you believe they violate Twitter's rules, you can report them to Twitter who may decide to take action. For further information about how to report 'violations' visit Twitter's [how to report violations](#) page.

Facebook

Facebook has slightly different 'Community Standards' to Twitter and alternative methods of dealing with complaints.

You are also more likely on Facebook to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow Councillors or the Council, and some will have been set up specifically with that purpose in mind. If these groups are not moderated effectively, they can provide a conduit for abuse and harassment.

If you are concerned about comments or postings about you in a group or page, you can report the post to the group administrator. If you concerned about a group that is abusive and you think it has broken Facebook's Community Standards, you can [report the group to Facebook](#).

Blogs

Blogs are a quick and easy way for Councillors of the public or Councillors to set up mini-websites to discuss and air views on matters of interest.

Occasionally, blogs may take an interest in local, community matters and some have been set up specifically to scrutinise the local council or Councillors. At other times, Councillors may face negative comments on their own blog. While scrutiny is a key part of local democracy and accountability, on occasions, some blogs may make unfair comments or untrue allegations or may include abusive or threatening commentary. Unlike Facebook and Twitter, there are no 'community rules or standards' to moderate or challenge such content.

[Back to Top](#)

Social media dos and dont's

Do

- talk to residents, staff and others, do answer their questions
- trust your teams and staff to use social media
- be responsible at all times
- be respectful at all times
- innovate - different approaches work for different people
- have a personality - corporate speak or just issuing press releases won't work well on social media
- share other people's helpful content and links
- credit other people's work, ideas and links
- listen (social media is designed to be a two-way channel, just like any good conversation)
- ask your own questions. Seek feedback from your residents (but make sure you share the results with them)
- have a rota where appropriate - share the load and you'll get more from your accounts
- adhere to your existing HR policies - you don't need a separate HR policy especially for social media
- talk to your communications team - they are there to help you
- learn from others - there is rich learning of good practice social media use across local government via organisations such as the LGA
- use social media in the spirit in which it was intended - to engage, openly and honestly

Don't

- broadcast or talk at people. Your residents will soon spot broadcasts and respond accordingly

- block social media - social media is not a risk, blocking its use is a risk
- try to cover up mistakes, be honest and you'll get more respect for it in the long run
- build accounts and just hope people will come - sometimes it is best to go to the places where your audiences are already having conversations
- assume that social media will look after itself - you will need to invest time, enthusiasm and energy to make it work. And don't leave your accounts unattended for long spells
- post content which will embarrass your council or yourself
- ignore legal advice, it's there to help you
- think that a disclaimer in your bio will save you from potential legal action, it won't
- expect your staff to make do with old technology which can be a barrier to effective working
- share your passwords with anyone other than your communications leads
- forget that social media is 24/7 - just because you leave at 5.00 pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile

[Back to Top](#)

Further information and guidance

- [LGA: Handling abuse on social media](#)
- [LGA: Social media dos and don'ts](#)
- [Connected Councillors: A guide to using social media to support local leadership and other guidance available on the Local Government Association website \[www.local.gov.uk\]\(http://www.local.gov.uk\)](#)
- [LGA's Knowledge Hub may contain useful information](#)
- [Terms and conditions for Facebook](#)
- [Terms and conditions for Twitter](#)

[Back to Top](#)

This page is intentionally left blank



Report of Helen Lynch, Head of Legal and Democratic Service and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

1. To inform Members of the national picture on standards issues affecting Local Government.

Executive summary

2. This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting on 2 December 2021.

Recommendations

3. The Standards Committee is recommended to:
 - a. note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
 - b. consider any recommendations it wishes to make arising out of the content of the report.

Background

4. As agreed by the Committee on 25 June 2021, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Code of Conduct Complaints and Reports

5. Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Any cases reported are taken from news reports and general research where Councils publish details of their conduct hearings in public.

Former Councillor Peter Little, Allerdale Borough Council

6. On 19 October 2021, Workington Magistrates Court sentenced the now former Councillor to six weeks in prison after pleading guilty to section 127(1)(a) and (3) of the Communications Act 2003. A person is guilty of an offence if they send a message that is grossly offensive or of an indecent, obscene or menacing character. In this instance the former Councillor had sent a threatening email to his local MP and the Borough Council's Chief Executive.
7. At the sentencing hearing, the District Judge mentioned the serious nature of threatening MPs. This had been particularly highlighted by the tragic death of Sir David Amess MP on 15 October 2021.
8. The former Councillor had a record for disorder and violence and was already subject to a 12-week suspended sentence imposed for threats to neighbours and behaviours towards police officers. This was considered by the Judge to be an aggravating feature and the sentence reflected this.
9. Prior to the trial, Councillor Little had been a member of the Council's Independent Group. However, he was removed by the Group following his sentencing. In addition, Allerdale Borough Council confirmed that following conviction, under section 80 of the Local Government Act 1972, the Councillor was automatically disqualified as a Councillor with immediate effect.

Council Leighton Rowlands (Vale of Glamorgan) (26 January 2022)

10. A Welsh Councillor who sits on the local authority's planning committee was found to have breached of the code of conduct after opening a cafe without first securing planning permission. The Welsh standards regime differs including the sanctions available however the principles regarding member Conduct are largely mirrored as they are founded on the same principles.
11. In 2019, the Councillor and his business partner opened a coffee shop and wine bar in a building which was shop. The change of use required

planning permission. The Councillor did submit an application for permission but opened the business before it was determined. .

12. This matter was referred to the Council's Standards Committee. At the meeting where it was considered, the councillor said he had limited knowledge of planning law when asked to explain his decision. The Councillor stated:

"Like most new councillors who sit on the planning committee we have training but they are always a whistle stop tour [...] and I would say I had difficulty in understanding the planning law like any member of the public would, even with the training."

13. The Councillor told the Committee that with hindsight he should have asked the Monitoring Officer for more advice.
14. On being advised by the Monitoring Officer of the concerns with his approach, the Councillor resigned from the business, withdrew the planning application and took no further part in the business and planning application process. As a result, the Councillor also lost his investment in the company.
15. The Standards Committee was satisfied that the Councillor was aware of the consequences of opening the cafe before a change of use planning permission was granted and the potential breach of planning control. This matter had been investigated by the Ombudsman and the Standards Committee reported:

"The Ombudsman determined that the evidence supports a finding that Cllr Rowlands' actions brought his office as a Councillor and the Council into disrepute and are suggestive of a breach of paragraph 6 1 a of the Code of Conduct." Cllr Rowlands accepted that he breached the Code of Conduct and said that he was "naive" in doing so.

16. The Standards Committee considered this to be a serious breach and determined that a one month suspension would be imposed.

Councillor Leo Pollak (Southwark Council, Committee 10 January 2022)

17. The Councillor created the Twitter account @SouthwarkYIMBY in November 2017 which he used to make anonymous posts regarding housing issues and proposed developments in the Council's area. The account also retweeted housing related posts from other Twitter users including those made by the Councillor using his named account.

18. During the latter part of 2020 and in February 2021 the Councillor used the account to post tweets directly relating to two campaigns regarding specific proposals for development, being the Priory Court development (@courtcampaign), and a development proposed on the Elim Estate (@BallcourtGarden).
19. In February 2021, the Councillor was contacted by the South London Press who stated that they believed that he was behind the account, which he admitted. Following this the Councillor resigned from his role as Cabinet Member for Housing, issued a written apology which he also read out at the meeting of the Council Assembly on 24 February 2021.
20. Upon becoming aware that the Councillor was behind the account, the complaint was presented which included replies to the Complainant's Tweets on 11 February 2021. The Tweets were said to be aggressive, and that the use of the phrase 'nimbyism' was offensive.
21. The Complainant also alleged that two anonymous comments made in support of the planning application for the development on the Elim estate, posted on 12 February 2021, may have also been made by the Councillor prior to it being disclosed that he was behind the account.
22. Upon the complaint being presented an independent investigation was requested by the Monitoring Officer. The Investigating Officer found that by acting anonymously the Councillor had breached the Code. The Investigating Officer reported:

“By his own admission, one of the reasons that the Councillor sought to use the account was to address what he believed to be false statements about the Priory Court and Elim Estate Ballcourt Developments which he felt could significantly undermine them, and which he had not been able to address adequately using his named account. In other words his intention in this respect was the same, both when he was acting overtly using his named account, and when he was acting covertly, and that was to address misinformation, and influence public opinion and support for the developments.”
23. The Investigating Officer of Bevan Brittan LLP determined that the content of the Tweets to which the Code applied did not amount to conduct which was contrary to the Code.
24. In respect of the two anonymous comments made in support of the planning application for development of the Elim Estate Ballcourt which were denied by the Councillor, the Investigating Officer concluded “we did not find evidence other than supposition to conclude otherwise”.

25. With the investigation report it was noted that the Councillor expressed remorse for his actions. It was noted in the report that:

“[the] Councillor resigned his role on Cabinet, a role which he is passionate about, and has suffered public criticism and condemnation for his actions, including significant personal hardship and turmoil. In our opinion any sanctions that could be applied in relation to this matter fall significantly short of the consequences that have resulted quite independently of this process.”

26. The content of the tweets (mainly retweets) referred to specific developments and schemes in which the Councillor had been involved in his capacity as Cabinet Member (was considered to be generally inoffensive and uncontroversial).

27. At a sub committee meeting to determine the complaint the Monitoring Officer reported that she had considered the recommendation of the Investigating Officer, consulted with the Independent Person, Complainant and Councillor. She considered that the matter could be reasonably resolved without the need for a hearing and a recommendation of local resolution would be appropriate.

28. The Sub-Committee considered the report and it was agreed:

- To note the report of the Investigating Officer.
- To note that the report concluded there is evidence of a failure to comply with the Code of Conduct.
- To note the decision of the Monitoring Officer to resolve this complaint by Local Resolution and without the need for a hearing by the sub-committee.

29. Local Resolution was considered appropriate for the following reasons:

- The Councillor immediately accepted responsibility for their actions and issued a public apology at Council Assembly.
- The Councillor acknowledged throughout the investigating process that their actions were not appropriate and has repeatedly expressed remorse.
- The Councillor resigned from Cabinet.
- The Councillor sent a written apology to the Complainant on 24 June 2021.
- The Councillor has attended Code of Conduct and Social Media Training since the Complaint was received and the self-referral to the Monitoring Officer.
- The Councillor has agreed to undertake a conciliation meeting with the Complainant if requested.

House of Commons Debate Standards in Public Life: Local Authorities (24 January 2022.)

30. Members of the Committee are aware of the awaited response from Government to the report on Ethical Standards by the Committee for Standards in Public Life published in 2019.
31. On 24 January 2022 ,the Minister for Levelling Up Communities, Kemi Badenoch responded to a question from Mark Garnier MP asking what steps are being taken to ensure standards in public life are upheld at local authority level. The Minister responded:

“The Government champion high ethical standards in local government. On 14 January, I supported the important Bill of my hon. Friend the Member for Mole Valley (Sir Paul Beresford) to disqualify sex offenders from local office and, before Christmas, I met the Chair of the Committee on Standards in Public Life to reaffirm that we will shortly be responding to the Committee’s report on this important issue and will set out further steps to improve the system”

32. In a follow up question the Minister responded:

“...I am actively considering the recommendations set out in the report of the Committee on Standards in Public Life, and will respond shortly. It is of the utmost importance that local authorities have the right tools to make the system work.” The report makes a number of recommendations which for its introduction require the introduction of legislation, this includes a role for the Local Government and Social Care Ombudsman in giving sanctioned councillors a route to appeal conduct decisions”

Levelling Up, Housing and Communities Committee (10 January 2022)

33. On 10 January 2022, the Levelling Up, Housing and Communities Committee consider the Local Government and Social Care Ombudsman Triennial Review. Michael King, the Local Government and Social Care Ombudsman was in attendance.
34. The Committee heard from Mr King on the work of the Ombudsman in general but made specific reference in parts to Ethical Standards.
35. Mr King addressed the Committee on the recommendations of the CSPL which included a right of appeal to the Ombudsman for Councillors found to be at fault and who have had a sanction imposed on them.
36. Mr King told the Levelling Up, Housing and Communities Committee:

"So what we're saying is that absolutely we don't want to recreate the Standards Board. Absolutely, we don't want to usurp the role of the Monitoring Officer and of local Standards Committees in dealing locally with standards issues. We think, absolutely they should be dealt at first instance by local processes.

"What we are saying is that where those local processes have failed to get a satisfactory resolution, we think we could perhaps provide a helpful role in giving that independent assessment of those complaints to make sure that the local processes happened properly - but also to give some finality to what we all know can be quite toxic long-running dispute sometimes"

"If the local authority or the complainant or the councillor was able to take that outside the local process and bring it to us, we think we could probably give closure to some very long-running and damaging issues that can occur in that standards space."

37. The Monitoring Officer will continue to monitor updates on the response from Government on the CSPL report on ethical standards and present updates to the Committee as these become available.

Background papers

- None

Other useful documents

- <https://www.bbc.co.uk/news/uk-england-cumbria-58969783>
- https://www.valeofglamorgan.gov.uk/en/our_council/press_and_communications/latest_news/2022/February/Council-member-suspended.aspx
- <https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=516&MIId=7252>
- <https://hansard.parliament.uk/commons/2022-01-24/debates/F5E36C17-142D-4780-82CC-3CE8F1457E0D/StandardsInPublicLifeLocalAuthorities#contribution-D1B974FC-B2C2-49F7-9E60-AF39F3666D6C>
- <https://parliamentlive.tv/Event/Index/db18e32b-0028-44ea-97e4-9307232a2c54#player-tabs>

Author

Kamila Coulson-Patel

Tel: 03000 269674

Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

**Report of Helen Lynch, Head of Legal and Democratic Service and
Monitoring Officer**

Electoral division(s) affected:

None.

Purpose of the Report

1. To inform Members of proposed revisions to the Local Assessment Procedure complaint form.

Executive summary

2. The Localism Act 2011 requires that the Council adopt arrangements for dealing with complaints of breach of the Code of Conduct by both County Council Members and Parish Council Members. This is done through the local assessment procedure.
3. The Council's local assessment procedure (the Procedure) was adopted in 2012 and has been periodically updated since its inception with the most recent update in May 2021.
4. The Procedure sets out how complaints against Members are dealt with and includes a copy of the complaint form to be completed. This report details proposed changes to the process for the completion of the complaint form.

Recommendations

5. The Standards Committee is recommended to:
 - (a) Comment on the proposal to enable the submission of Member Code of Conduct complaints via the Council's website; and
 - (b) Agree that the complaints can be submitted via the Council's website with effect from 1 April 2022.

Local Assessment Procedure

6. The local assessment procedure (the Procedure) has been reviewed periodically by the committee. A copy of the current procedure is shown at Appendix 2 of this report and this was updated in May 2021.
7. The existing procedure incorporates a copy of the complaint form which is usually sent out by post or email to prospective complainants as a complete pack and returned by post or email.
8. In recent years there has been a decline in the number of paper complaint forms being submitted with a preference to the documentation being sent out electronically. It is therefore considered appropriate to consider digitising the form so that complainants can complete it online. There will still be an option for people to complete a paper copy of the form available on request.
9. With the support of the Council's digital team, an online form has been created which allows complainants to complete the form through the Council's website. The key features are aimed at making the process more user friendly and accessible which include:
 - Complainant details can be pre-populated if the user has a registered Durham County Council account.
 - Drop down options are available for the selection of contact details
 - Drop down options are available for the name of the Council
 - Options are available to add attachments to the form
 - The Complainant will receive an automatic acknowledgement of receipt of a complaint form, which summarises the next steps.
10. The online form will also allow the Complainant to submit a complaint and request that this is considered confidentially, and this will be considered as a separate process to allow a determination on anonymity before the complaint progresses.
11. The use of the online form located on the corporate County Council website will increase visibility of the complaint process as well as improve accessibility and usability for completing the form as it has previously been reported that the existing form is not compatible with all software and is difficult to complete on a mobile device.
12. In addition to the form being made available through the corporate website, customer services staff will be able to support in person or on the telephone to assist with the completion of the form which is a process which is already embedded in respect of corporate complaints.

13. The Committee are invited to consider the proposal to enable the online submission of complaints and agree that this is implemented with effect from 1 April 2022.

Author

Kamila Coulson-Patel

Tel: 03000 269674

Appendix 1: Implications

Legal Implications

The Council has a duty under section 28 of the Localism Act 2011 to ensure that arrangements are in place under which allegations relating to the Code of Conduct can be investigated and decisions can be made. The local assessment procedure ensures that this duty is complied with.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

The Council has a legal obligation to ensure that documents which are published on its website are accessible in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. The update to the local assessment procedure ensures compliance with this obligation.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Local Assessment Procedure



Procedure for Local Assessment of Member Code of Conduct Complaints

Definitions

Code of Conduct

The relevant Code or Codes of Conduct adopted by the Member's council or councils

Independent Person

The person appointed by the County Council under section 28(7) of the Localism Act 2011 whose views may, and sometimes must, be sought

Investigating Officer

The person appointed by the Monitoring Officer to undertake an Investigation

Investigation

An investigation undertaken by the Investigating Officer

Local Resolution

An informal resolution of a complaint including the matters set out at paragraph 5 of this Procedure

Member

The Councillor of the County Council or Town/Parish Council who is the subject of a complaint under this Procedure

Monitoring Officer

The County Council's statutory officer who oversees the assessments and investigations of complaints against Members under the Code of Conduct

1. Introduction

The Localism Act 2011 requires that the Council adopt arrangements for dealing with complaints of breach of the Code of Conduct by both County Council Members and Parish Council Members.

This document sets out the procedure that will apply when complaints are made about Members.

Where a complaint is justified, the Council's Monitoring Officer will seek to resolve it swiftly to the satisfaction of the complainant using Local Resolution whenever possible. Complaints will only be referred for investigation as a last resort in view of the disproportionate amount of time involved and the limited sanctions available to the Standards Committee.

Any person may make a written complaint to the Council's Monitoring Officer alleging that a Councillor has acted in breach of the Code of Conduct for Members.

Any such complaint should be sent using the Complaint Form at Appendix 1 to the Monitoring Officer, Durham County Council County Hall Durham DH1 5UL.

This procedure should be read in conjunction with the Council's Local Determination Procedure, which applies to the process where an investigation has been completed.

2. Initial Notification of Complaint

- 2.1 Unless paragraph 2.2 applies, the Member who is the subject of the complaint shall, as soon as practicable after the complaint is received, be informed in writing by the Monitoring Officer of the complaint. The Member shall be sent a summary or a full copy of the complaint, and invited to comment upon it.
- 2.2 The Monitoring Officer shall identify which paragraphs of the Code of Conduct have allegedly been breached and (unless the complainant has requested and been granted confidentiality) the name of the complainant.
- 2.3 The Monitoring Officer may withhold the complainant's identity from the Member if s/he considers that disclosure would be against the public interest or might prejudice any future investigation, or where non-disclosure has been specifically requested by the complainant for what the Monitoring Officer considers are good reasons.
- 2.4 Where the Monitoring Officer does not agree to keep the complainant's identity confidential, the complainant shall be given the opportunity to seek to withdraw the complaint (or to ask for it to be considered anonymously under paragraph 2.6 below).
- 2.5 The Monitoring Officer, in consultation with the Independent Person, may apply the Habitual or Vexatious Complaints Policy at Appendix 2 to a complaint where appropriate.

- 2.6 Complaints made anonymously will warrant consideration only if sufficient information is provided to enable them to be considered. They will usually need to be accompanied by evidence indicating an exceptionally serious or significant matter.
- 2.7 The Monitoring Officer may reject complaints without notifying the Member where s/he considers that it is clear from the details of the complaint that the Member was not acting in his or her capacity as a Member at the time of the alleged failure to comply with the Code of Conduct.
- 2.8 Where a complaint made to the Monitoring Officer relates to the conduct of a Town or Parish Councillor towards the Clerk, it is recommended in all cases unless exceptional circumstances can be shown that the complaint should be made by the Chair or the Council as a whole.

3. Initial Assessment

- 3.1 The Monitoring Officer, in consultation with the Independent Person where appropriate, will, as soon as reasonable, and normally within 20 working days of receipt of the complaint, consider and decide if any action should be taken on it. The Assessment Criteria contained in Appendix 3 will be applied. Assessment may in some circumstances be delayed if a police or other (for example, internal Audit) investigation is first warranted.
- 3.2 The Monitoring Officer will decide either:
- (a) That no action should be taken in respect of it;
 - (b) To seek local resolution;
 - (c) To refer the complaint for investigation; or
 - (d) To refer the complaint to the Standards Committee.
- 3.3 Where the complaint is against a person who is no longer a Member of the Council, but is a member of another relevant authority, the Monitoring Officer may instead refer the complaint to the Monitoring Officer of that other relevant authority if s/he thinks it more appropriate to do so.
- 3.4 If witnesses to the circumstances giving rise to the complaint are named by the complainant or by the Member, they may be contacted at this stage for comment. The complainant's and the Member's identity may be disclosed to any such witnesses.
- 3.5 After making the decision, the Monitoring Officer will produce a written decision which will include the main points considered, the conclusion and the reasons for that conclusion.
- 3.6 The decision will be sent as soon as possible to the complainant and to the Member who is the subject of the complaint.
- 3.7 That decision will be available for inspection by the public at the offices of the Council for 6 years beginning with the date of the decision. However, the decision

will not be made available for inspection until the Member who was the subject of the complaint has received a copy of the decision.

3.8 A copy of the decision will also be sent to the clerk of the relevant parish/town council where applicable.

4. No action to be taken in respect of the complaint

4.1 Where the Monitoring Officer decides that no further action is warranted in relation to the complaint, the complaint will be closed and there is no appeal process.

5. Local Resolution

5.1 The Monitoring Officer will establish whether a complaint is suitable to be resolved informally before or alternatively to taking a decision on whether the complaint merits formal investigation. This may involve:

- a) Exploring whether the Member is prepared to apologise for the act or omission complained of;
- b) Arranging for the Member who is the subject of the complaint to attend a training course;
- c) Arranging for that Member and the complainant to engage in a process of conciliation;
- d) Such other steps (not including an investigation), as appear appropriate to the Monitoring Officer.

6. Referral by Monitoring Officer for investigation

6.1 Where the Monitoring Officer refers the complaint for investigation, the procedure set out in paragraphs 6.4 to 6.10 below will apply.

6.2 The Monitoring Officer may reconsider the complaint at any time if:

- (a) As a result of new evidence or information presented by the Investigating Officer, s/he is of the opinion:
 - (i) The matter is materially more or less serious than may have seemed apparent when the s/he referred it for investigation and
 - (ii) The Monitoring Officer would have made a different decision had s/he been aware of that new evidence or information; OR
- (b) The person who is the subject of the complaint has died; or is seriously ill; or has resigned from the Council, and the Monitoring Officer considers that in the circumstances it is no longer appropriate to continue with an investigation.

6.3 If a matter is referred back to the Monitoring Officer, s/he will reconsider and make one of the decisions set out in paragraph 3.2 above.

In forming an opinion for the purposes of paragraph 6.2(a) above, the Monitoring Officer may take account of:

- (a) The failure of any person to co-operate with an investigation; OR

- (b) An allegation that the Member concerned has engaged in a further breach of the Council's Code of Conduct or that of another relevant authority; OR
 - (c) An allegation that another member has engaged in a related breach of the Council's Code of Conduct or that of another relevant authority.
- 6.4 Where the Monitoring Officer decides a complaint merits investigation s/he will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator.
- 6.5 The Investigating Officer will follow any guidance issued by the Monitoring Officer on the investigation of complaints. The Investigating Officer should aim to complete the investigation within 3 months of being appointed.
- 6.6 At the end of the investigation, the Investigating Officer may produce a draft report and send copies to the complainant and to the Member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing the final report to the Monitoring Officer.
- 6.7 Where the Investigating Officer's report finds that the Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.
- 6.8 Where paragraph 6.7 applies, the Monitoring Officer will write to the complainant and the Member (and to parish clerk, if relevant) with a copy of the decision and the Investigating Officer's report.
- 6.9 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.
- 6.10 Where the Investigating Officer's report finds that the Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then, having consulted the Independent Person, either send the matter for hearing before the Hearing Panel or seek Local Resolution in appropriate cases. Where such Local Resolution is not appropriate or possible the Investigating Officer's findings shall be reported to a Hearing Panel of the Standards Committee for local determination in accordance with the Local Determination Procedure.

7 Withdrawing Complaints

- 7.1 If a complainant requests to withdraw his/her complaint before the Monitoring Officer has made a decision on it, then the Monitoring Officer will decide whether to grant that request.
- 7.2 In making that decision s/he will take into account the following considerations:
- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?

- Is the complaint such that action can be taken on it, for example, an investigation without the complainant's participation?
- Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the member who is the subject of the complaint, or an associate of theirs, to withdraw the complaint?

8. Conflicts of Interest

- 8.1 Where it appears the Monitoring Officer that there is a conflict of interest which prevents the internal investigation of a Code of Conduct complaint, the Monitoring Officer will consider whether external support is required to carry out an investigation.

Durham County Council

Complaint Form - Alleged Breach of Members' Code of Conduct

Your details

1. Please provide us with your name and contact details

Title:	
Full Name:	
Address:	
Daytime telephone	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- any other person whom we consider it necessary to inform to properly investigate your complaint.

We will tell them your name and give them a summary or a copy of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details, of your complaint being released, please complete section 6 of this form.

Any decision letter on a complaint will identify the complainant (i.e. you) and will be available for inspection by any member of the public for a period of six years following the decision.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee (where a complaint relates to conduct of a Town or Parish Councillor towards the Clerk it is encouraged that the complaint is made by the Chair of the Council as a whole).

Making your complaint

3. Your complaint will initially be considered, usually within 20 working days, by the Council's Monitoring Officer, in consultation with the Independent Person if appropriate. The Monitoring Officer will decide whether any action should be taken on your complaint. You will be advised of that decision. If the decision is to take action, the Monitoring Officer can appoint an Investigating Officer to investigate the complaint.

If your complaint is investigated and a breach of the Code of Conduct is found, the result will be reported to a Hearing Panel of the Council's Standards Committee which will then decide if there has been a breach of the Members' Code of Conduct and, if so, what action to take.

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of the authority of which they are a member:

Title	First name	Last name	Council or authority name

5. Please explain on the next page what the member has done which you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done which you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub-committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible; about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information. You should consider the relevant Code of Conduct and identify which aspects of it you consider have been breached.

A large, empty rectangular box with a thin black border, intended for providing details of a complaint.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Confidentiality

6. Only complete this next section if you are requesting that your identity or details of your complaint is kept confidential

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary or a copy of the complaint.

We will not withhold your identity, or a summary or the details of your complaint, unless you have exceptional reasons why we should do so.

- I consider that I have such reasons and want the Monitoring Officer to consider withholding my identity and/or any details of my complaint, either altogether or for some period of time. I have provided a separate sheet which fully explains what information I want withheld and the reasons for the request to withhold it.

If you do request confidentiality and this is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we may still proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Additional Help

7. Complaints must be submitted in writing. This includes fax and email submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible. You should initially contact the Council's Monitoring Officer (whose contact details are given below) who will try to arrange appropriate assistance for you.

Declaration

- I understand and agree that my name and details of this complaint will be disclosed to the persons mentioned in paragraph 1 above.

Signed

Dated

This form once completed should be sent, along with any supporting documents, to:

Helen Lynch
The Monitoring Officer Durham County Council County Hall
Durham
DH1 5UL

Data Protection Act

Durham County Council complies with all relevant statutory obligations. Personal information processed by the Council will be handled in accordance with the Council's privacy statement, which can be accessed at www.durham.gov.uk/dataprivacy

Committee Services privacy notice provides more specific information on the data collected and how it is handled, a copy of which can be accessed www.durham.gov.uk/dataprivacy 'legal and democracy' section.

If you have any concerns about how your data is handled, please contact either the Data Protection Officer at DPO@durham.gov.uk or the Information Commissioner's Office casework@ico.org.uk.

Habitual or Vexatious Complaints Policy

1. Introduction

- 1.1. This policy identifies situations where complainants, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
- 1.2 This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Monitoring Officer through pursuing an unreasonable course of conduct.
- 1.3 In this policy:

Habitual means: done repeatedly or as a habit.

Vexatious means: an complaint brought for the purpose of annoying another person and with no reasonable prospect of success.
- 1.4 Habitual or vexatious complaints can be a problem for officers and Members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on council priorities. Whilst the Monitoring Officer will endeavour to process all complaints under the local assessment procedure there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Habitual or Vexatious Complainants

- 2.1 For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

(i) Unreasonable complaints and/or unrealistic outcomes;

and/or

(ii) Reasonable complaints in an unreasonable manner.
- 2.2 Prior to considering its implementation, the Monitoring Officer will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, the Monitoring Officer will consult with the Independent Person to seek agreement to treat the complaint as habitual or vexatious and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.

- 2.4 The Monitoring Officer will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Monitoring Officer will also notify the relevant Ward Member (if any) that a constituent has been designated as a habitual and vexatious complainant.
- 2.5 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the Monitoring Officer with reports being taken to Standards Committee as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

Schedule A - Criteria for determining habitual or vexatious complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria. Where complainants:

- 1) Persist in pursuing a complaint where the local assessment process has been fully and properly implemented and exhausted.
- 2) Persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)
- 3) Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 4) Repeatedly do not clearly identify the precise issues which they wish to complain about despite reasonable efforts of officers to help them specify their concerns and/or where the concerns identified do not fall within the remit of the local assessment process.
- 5) Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgement will be used in applying this criterion.
- 6) Has threatened or used physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued to be written communication. The Council must determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
- 7) Have in the course of addressing a complaint to the Monitoring Officer had an excessive number of contacts with the Council, placing unreasonable demands on officers. A contact may be made in person by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.
- 8) Have harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Officers recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

- 9) Are known or reasonably considered to have recorded meetings or face to face/telephone conversations without the prior knowledge or consent of the parties involved.
- 10) Make unreasonable demands on the Council and its employees and fail to accept these may be unreasonable, for example insist on an action being taken by Standards Committee which falls outside of its remit.
- 11) Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - a) Clearly does not have any serious purpose or value; or
 - b) Is designed to cause disruption or annoyance; or
 - c) Has the effect of harassing the Council; or
 - d) Can otherwise fairly be characterised as obsessive or manifestly unreasonable
- 12) Make repetitive complaints and allegations that ignore the replies the Council has supplied in previous correspondence

Schedule B - Options for dealing with habitual or vexatious complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

- 1) A letter to the complainant setting out responsibilities for the parties involved if the Monitoring Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 2) Decline any contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact and the complainant is notified of this person.
- 3) Notify the complainant in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

Assessment Criteria

The following criteria will be taken into account in deciding what action, if any, to take:

1. Has the complainant submitted enough information to satisfy the Monitoring Officer that the complaint should be referred for investigation?

If not, the information provided is insufficient. The only outcome can be that no further action is taken on the complaint and a decision notice to that effect will be issued accordingly.

2. Is the complaint about someone who is no longer a Member of the Council, but is a Member of another authority? If so, does the Monitoring Officer wish to refer the complaint to the Monitoring Officer of that other authority?

If yes, the complaint will be referred to the Monitoring Officer of that other authority to consider if he/she thinks it more appropriate to do so.

3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct in the last 3 years? Similarly, has the complaint been the subject of an investigation by other regulatory authorities in the last 3 years?

If yes, there may be nothing more to be gained by further action being taken.

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

If yes, further action will not normally be warranted.

5. Does the complaint appear too trivial to justify the cost or inconvenience of investigation?

If yes, investigation will not be warranted.

6. Does the complaint appear to be malicious, politically motivated or tit-for-tat?

If yes, further action will not normally be warranted.

7. Is the complaint anonymous?

If yes, no action will normally be taken, unless there are compelling reasons to suggest otherwise. For example, if it includes documentary evidence or photographic evidence indicating an exceptionally serious or significant matter.

8. Has the Member already apologised or offered a remedy?

If yes, and the remedy appears adequate, then further action would not be warranted.

Appendix 3: Revised Local Assessment Procedure



Procedure for Local Assessment of Member Code of Conduct Complaints

Definitions

Code of Conduct

The relevant Code or Codes of Conduct adopted by the Member's council or councils

Independent Person

The person appointed by the County Council under section 28(7) of the Localism Act 2011 whose views may, and sometimes must, be sought

Investigating Officer

The person appointed by the Monitoring Officer to undertake an Investigation

Investigation

An investigation undertaken by the Investigating Officer

Local Resolution

An informal resolution of a complaint including the matters set out at paragraph 5 of this Procedure

Member

The Councillor of the County Council or Town/Parish Council who is the subject of a complaint under this Procedure

Monitoring Officer

The County Council's statutory officer who oversees the assessments and investigations of complaints against Members under the Code of Conduct

1. Introduction

The Localism Act 2011 requires that the Council adopt arrangements for dealing with complaints of breach of the Code of Conduct by both County Council Members and Parish Council Members.

This document sets out the procedure that will apply when complaints are made about Members.

Where a complaint is justified, the Council's Monitoring Officer will seek to resolve it swiftly to the satisfaction of the complainant using Local Resolution whenever possible. Complaints will only be referred for investigation as a last resort in view of the disproportionate amount of time involved and the limited sanctions available to the Standards Committee.

Any person may make a written complaint to the Council's Monitoring Officer alleging that a Councillor has acted in breach of the Code of Conduct for Members.

Any such complaint should be presented by completing the online form at [weblink]. Alternatively a paper copy is available on request.

This procedure should be read in conjunction with the Council's Local Determination Procedure, which applies to the process where an investigation has been completed.

2. Initial Notification of Complaint

- 2.1 Unless paragraph 2.2 applies, the Member who is the subject of the complaint shall, as soon as practicable after the complaint is received, be informed in writing by the Monitoring Officer of the complaint. The Member shall be sent a summary or a full copy of the complaint, and invited to comment upon it.
- 2.2 The Monitoring Officer shall identify which paragraphs of the Code of Conduct have allegedly been breached and (unless the complainant has requested and been granted confidentiality) the name of the complainant.
- 2.3 The Monitoring Officer may withhold the complainant's identity from the Member if they consider that disclosure would be against the public interest or might prejudice any future investigation, or where non-disclosure has been specifically requested by the complainant for what the Monitoring Officer considers are good reasons.
- 2.4 Where the Monitoring Officer does not agree to keep the complainant's identity confidential, the complainant shall be given the opportunity to seek to withdraw the complaint (or to ask for it to be considered anonymously under paragraph 2.6 below).
- 2.5 The Monitoring Officer, in consultation with the Independent Person, may apply the Habitual or Vexatious Complaints Policy at Appendix 1 to a complaint where appropriate.

- 2.6 Complaints made anonymously will warrant consideration only if sufficient information is provided to enable them to be considered. They will usually need to be accompanied by evidence indicating an exceptionally serious or significant matter.
- 2.7 The Monitoring Officer may reject complaints without notifying the Member where they consider that it is clear from the details of the complaint that the Member was not acting in his or her capacity as a Member at the time of the alleged failure to comply with the Code of Conduct.
- 2.8 Where a complaint made to the Monitoring Officer relates to the conduct of a Town or Parish Councillor towards the Clerk, it is recommended in all cases unless exceptional circumstances can be shown that the complaint should be made by the Chair or the Council as a whole.

3. Initial Assessment

- 3.1 The Monitoring Officer, in consultation with the Independent Person where appropriate, will, as soon as reasonable, and normally within 20 working days of receipt of the complaint, consider and decide if any action should be taken on it. The Assessment Criteria contained in Appendix 2 will be applied. Assessment may in some circumstances be delayed if a police or other (for example, internal Audit) investigation is first warranted.
- 3.2 The Monitoring Officer will decide either:
- (a) That no action should be taken in respect of it;
 - (b) To seek local resolution;
 - (c) To refer the complaint for investigation; or
 - (d) To refer the complaint to the Standards Committee.
- 3.3 Where the complaint is against a person who is no longer a Member of the Council, but is a member of another relevant authority, the Monitoring Officer may instead refer the complaint to the Monitoring Officer of that other relevant authority if they think it more appropriate to do so.
- 3.4 If witnesses to the circumstances giving rise to the complaint are named by the complainant or by the Member, they may be contacted at this stage for comment. The complainant's and the Member's identity may be disclosed to any such witnesses.
- 3.5 After making the decision, the Monitoring Officer will produce a written decision which will include the main points considered, the conclusion and the reasons for that conclusion.
- 3.6 The decision will be sent as soon as possible to the complainant and to the Member who is the subject of the complaint.

3.7 That decision will be available for inspection by the public at the offices of the Council for 6 years beginning with the date of the decision. However, the decision will not be made available for inspection until the Member who was the subject of the complaint has received a copy of the decision.

3.8 A copy of the decision will also be sent to the clerk of the relevant parish/town council where applicable.

4. No action to be taken in respect of the complaint

4.1 Where the Monitoring Officer decides that no further action is warranted in relation to the complaint, the complaint will be closed and there is no appeal process.

5. Local Resolution

5.1 The Monitoring Officer will establish whether a complaint is suitable to be resolved informally before or alternatively to taking a decision on whether the complaint merits formal investigation. This may involve:

- (a) Exploring whether the Member is prepared to apologise for the act or omission complained of;
- (b) Arranging for the Member who is the subject of the complaint to attend a training course;
- (c) Arranging for that Member and the complainant to engage in a process of conciliation;
- (d) Such other steps (not including an investigation), as appear appropriate to the Monitoring Officer.

6. Referral by Monitoring Officer for investigation

6.1 Where the Monitoring Officer refers the complaint for investigation, the procedure set out in paragraphs 6.4 to 6.10 below will apply.

6.2 The Monitoring Officer may reconsider the complaint at any time if:

- (a) As a result of new evidence or information presented by the Investigating Officer, they are of the opinion:
 - (i) The matter is materially more or less serious than may have seemed apparent when it was referred for investigation and
 - (ii) The Monitoring Officer would have made a different decision had they been aware of that new evidence or information; OR
- (b) The person who is the subject of the complaint has died; or is seriously ill; or has resigned from the Council, and the Monitoring Officer considers that in the circumstances it is no longer appropriate to continue with an investigation.

6.3 If a matter is referred back to the Monitoring Officer, they will reconsider and make one of the decisions set out in paragraph 3.2 above.

In forming an opinion for the purposes of paragraph 6.2(a) above, the Monitoring Officer may take account of:

- (a) The failure of any person to co-operate with an investigation; OR
- (b) An allegation that the Member concerned has engaged in a further breach of the Council's Code of Conduct or that of another relevant authority; OR
- (c) An allegation that another member has engaged in a related breach of the Council's Code of Conduct or that of another relevant authority.

- 6.4 Where the Monitoring Officer decides a complaint merits investigation they will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator.
- 6.5 The Investigating Officer will follow any guidance issued by the Monitoring Officer on the investigation of complaints. The Investigating Officer should aim to complete the investigation within 3 months of being appointed.
- 6.6 At the end of the investigation, the Investigating Officer may produce a draft report and send copies to the complainant and to the Member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing the final report to the Monitoring Officer.
- 6.7 Where the Investigating Officer's report finds that the Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.
- 6.8 Where paragraph 6.7 applies, the Monitoring Officer will write to the complainant and the Member (and to parish clerk, if relevant) with a copy of the decision and the Investigating Officer's report.
- 6.9 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.
- 6.10 Where the Investigating Officer's report finds that the Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then, having consulted the Independent Person, either send the matter for hearing before the Hearing Panel or seek Local Resolution in appropriate cases. Where such Local Resolution is not appropriate or possible the Investigating Officer's findings shall be reported to a Hearing Panel of the Standards Committee for local determination in accordance with the Local Determination Procedure.

7 Withdrawing Complaints

7.1 If a complainant requests to withdraw their complaint before the Monitoring Officer has made a decision on it, then the Monitoring Officer will decide whether to grant that request.

7.2 In making that decision they will take into account the following considerations:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- Is the complaint such that action can be taken on it, for example, an investigation without the complainant's participation?
- Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the member who is the subject of the complaint, or an associate of theirs, to withdraw the complaint?

8. Conflicts of Interest

8.1 Where it appears the Monitoring Officer that there is a conflict of interest which prevents the internal investigation of a Code of Conduct complaint, the Monitoring Officer will consider whether external support is required to carry out an investigation.

Appendix 1

Habitual or Vexatious Complaints Policy

1. Introduction

- 1.1. This policy identifies situations where complainants, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
- 1.2 This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Monitoring Officer through pursuing an unreasonable course of conduct.
- 1.3 In this policy:

Habitual means: done repeatedly or as a habit.

Vexatious means: an complaint brought for the purpose of annoying another person and with no reasonable prospect of success.
- 1.4 Habitual or vexatious complaints can be a problem for officers and Members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on council priorities. Whilst the Monitoring Officer will endeavour to process all complaints under the local assessment procedure there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Habitual or Vexatious Complainants

- 2.1 For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

(i) Unreasonable complaints and/or unrealistic outcomes;

and/or

(ii) Reasonable complaints in an unreasonable manner.
- 2.2 Prior to considering its implementation, the Monitoring Officer will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, the Monitoring Officer will consult with the Independent Person to seek agreement to treat the

complaint as habitual or vexatious and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.

- 2.4 The Monitoring Officer will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Monitoring Officer will also notify the relevant Ward Member (if any) that a constituent has been designated as a habitual and vexatious complainant.
- 2.5 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the Monitoring Officer with reports being taken to Standards Committee as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

Schedule A - Criteria for determining habitual or vexatious complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria. Where complainants:

- 1) Persist in pursuing a complaint where the local assessment process has been fully and properly implemented and exhausted.
- 2) Persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)
- 3) Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 4) Repeatedly do not clearly identify the precise issues which they wish to complain about despite reasonable efforts of officers to help them specify their concerns and/or where the concerns identified do not fall within the remit of the local assessment process.
- 5) Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgement will be used in applying this criterion.
- 6) Has threatened or used physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued to be written communication. The Council must determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
- 7) Have in the course of addressing a complaint to the Monitoring Officer had an excessive number of contacts with the Council, placing unreasonable demands on officers. A contact may be made in person by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.
- 8) Have harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Officers recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental

health disability and there is a need to be sensitive in circumstances of that kind.

- 9) Are known or reasonably considered to have recorded meetings or face to face/telephone conversations without the prior knowledge or consent of the parties involved.
- 10) Make unreasonable demands on the Council and its employees and fail to accept these may be unreasonable, for example insist on an action being taken by Standards Committee which falls outside of its remit.
- 11) Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - a) Clearly does not have any serious purpose or value; or
 - b) Is designed to cause disruption or annoyance; or
 - c) Has the effect of harassing the Council; or
 - d) Can otherwise fairly be characterised as obsessive or manifestly unreasonable
- 12) Make repetitive complaints and allegations that ignore the replies the Council has supplied in previous correspondence

Schedule B - Options for dealing with habitual or vexatious complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

- 1) A letter to the complainant setting out responsibilities for the parties involved if the Monitoring Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 2) Decline any contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact and the complainant is notified of this person.
- 3) Notify the complainant in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

Appendix 2

Assessment Criteria

The following criteria will be taken into account in deciding what action, if any, to take:

1. Has the complainant submitted enough information to satisfy the Monitoring Officer that the complaint should be referred for investigation?

If not, the information provided is insufficient. The only outcome can be that no further action is taken on the complaint and a decision notice to that effect will be issued accordingly.

2. Is the complaint about someone who is no longer a Member of the Council, but is a Member of another authority? If so, does the Monitoring Officer wish to refer the complaint to the Monitoring Officer of that other authority?

If yes, the complaint will be referred to the Monitoring Officer of that other authority to consider if they think it more appropriate to do so.

3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct in the last 3 years? Similarly, has the complaint been the subject of an investigation by other regulatory authorities in the last 3 years?

If yes, there may be nothing more to be gained by further action being taken.

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

If yes, further action will not normally be warranted.

5. Does the complaint appear too trivial to justify the cost or inconvenience of investigation?

If yes, investigation will not be warranted.

6. Does the complaint appear to be malicious, politically motivated or tit-for-tat?

If yes, further action will not normally be warranted.

7. Is the complaint anonymous?

If yes, no action will normally be taken, unless there are compelling reasons to suggest otherwise. For example, if it includes documentary evidence or photographic evidence indicating an exceptionally serious or significant matter.

8. Has the Member already apologised or offered a remedy?

If yes, and the remedy appears adequate, then further action would not be warranted.

Standards Committee

11 March 2022

Code of Conduct Update



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To provide the Committee with an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors.

Executive summary

- 2 The report provides an update on the complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the council's Local Assessment Procedure dated May 2021.

Recommendation

- 3 The Standards Committee is recommended to note the contents of the report.

Complaints

- 4 The council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of Conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.
- 5 There have been 8 formal complaints received between 25 November 2021 to 28 February 2022. There have been 5 final decision notices issued in the last period the outcome of each complaint shown at Appendix 2.
- 6 In respect of the ongoing complaints it would not be appropriate to comment on those complaints that are currently being assessed investigated but Decision Notices will be available for inspection once the decision has been communicated to the Member subject to the Complaint.

Training

- 7 On 18 January 2022, the Governance Lawyer in conjunction with CDALC delivered a 90-minute presentation to Town and Parish Councillors and Clerks on the topic of interests. The session was well attended and well received. Future engagement with CDALC to deliver sessions on the work of the Standards Committee and the remit of the Monitoring Officer is currently being explored for 2022/23.
- 8 The Monitoring Officer and Governance Lawyer on 24 February 2022 delivered training to Esh Parish Council on the Member Code of Conduct with follow up training to be arranged on the topic of interests and Member Officer protocol.

Conclusion

- 9 The report is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

Background papers

- Local Assessment Procedure dated May 2021.
- Decision Notices.

Contact:	Kamila Coulson-Patel	Tel: 03000 269674
-----------------	----------------------	-------------------

Appendix 1: Implications

Legal Implications

The council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of Conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.

Finance

There are no financial implications arising out of the report.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of the report.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

None

Crime and Disorder

There are no Crime and Disorder implications arising out of the report.

Staffing

There are no staffing implications.

Accommodation

There are no accommodation implications.

Risk

None.

Procurement

There are no procurement implications.

This page is intentionally left blank

Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
COM 354, 357, 361, 362, 365, 367,370, 372.	Parish	June - October	The complaint relates allegations relating to multiple members of the council.	<ul style="list-style-type: none"> • Respect • Disrepute. • Bullying or intimidatory behaviour • Not to disclose confidential information. • Must act in accordance with all procedures. 	26.11.2021	<p>Local Resolution</p> <ol style="list-style-type: none"> 1. That all Members of the Council attend training with the Monitoring Officer on the Code of Conduct. This training is to be arranged within one month of the decision notice being issued. 2. That all Members of the Council attend training on financial procedures within a Parish Council to be arranged by the Clerk. Confirmation of the completion of training is to be provided within three months of the decision notice being issued. 3. That all Members of the Council attend training on the Member Officer protocol with the Monitoring Officer and/or her representative. This training is to be arranged within one month of the decision notice being issued.

						<p>4. The Council undertake a comprehensive review of all policies and procedures supported by CDALC including but not limited to standing orders, financial procedure rules, declaration of interests, member code of conduct and member officer protocol. This is to be completed within three months of the decision notice.</p> <p>5. That all Members receive training to be jointly delivered by CDALC and the Monitoring Officer and/or her representative on effective decision making and interests. This is to be completed within three months of the decision notice.</p> <p>6. That all Members undertake training on data protection to be arranged by the Clerk within two months of this decision notice.</p> <p>7. The Members of the Council consider recording meetings and live streaming this to promote engagement with the public they serve.</p> <p>8. All documentation relating to the affairs of the running of the Council and</p>
--	--	--	--	--	--	--

						administration held by Members are to be presented to the Clerk for recording and filing. 9. The Council consider a small working group between a small number of Members of the Council and the Directors of the CIC to explore arrangements for the benefit of all with the support of a qualified mediator.
COM 342, 355 and 366	Parish and County	June - August	It is alleged that the Member has not acted in accordance with the code of conduct, alleging that he has been abusive, threatening and intimidating. The allegations are made by former Councillors and members of the public.	<ul style="list-style-type: none"> • Respect. • Disrepute. • Bullying or intimidatory behaviour. 		In progress.
COM 358	Parish	23.06.21	The Complainant does not consider that the correct process was followed by the Parish Council for the co-option of the complainant which was considered on 3 rd June.	<ul style="list-style-type: none"> • Comply with any Standing Orders, policies and procedures adopted by the Council 	02.12.2021	Local Resolution The Council have been requested to consider and adopt a co-option procedure.
COM 377	Parish	04.11.21	The Complainant considered that the member has failed	<ul style="list-style-type: none"> • To not bully or intimidate 	03.03.2022	No further action. There was insufficient information or corroborating

			to act in accordance with the Code, it is said he has made false statements to her to the police, acted without authority of the Council to make false statements and has facilitated derogatory and defamatory discussions within parish Council meetings.	<ul style="list-style-type: none"> • Not to bring office into disrepute. • Not to confer an advantage or disadvantage on any person 		evidence to support the allegations made by the Complainant.
COM 378	Parish	10.11.21	The complainant is unhappy with the representations of three Councillors in respect of a planning application.	<ul style="list-style-type: none"> • Respect • Not to confer an advantage or disadvantage on any person. 		Assessment ongoing
COM 379	County	17.12.21	the Member at planning committee failed to show respect to the Complainant and participated in an item which he had declared an interest on.	<ul style="list-style-type: none"> • Respect • Not to confer an advantage or disadvantage on any person 		Assessment ongoing.
COM 380	Parish	22.12.21	An email was sent by the Member which made comments about the complainants. The complainants were not the intended recipients and	<ul style="list-style-type: none"> • Respect 		Assessment ongoing.

			upon learning of this the Member apologised.			
COM 381	County	14.01.22	This is a complaint of a Community Association relating to a Councillor newsletter which is said to be inaccurate. .	<ul style="list-style-type: none"> • All save for c and H 	03.03.2022	No further action. The material produced was factually accurate and not considered to be contrary to the code.
COM 382	County	27.01.22	The Member at a Committee was invited to speak after an officer presentation. The Member in his presentation is said to have made political comments in a committee which is apolitical and failed to show respect to the Member.	<ul style="list-style-type: none"> • Value colleagues and staff. • Respect 	28.02.2022	No further action The reference to a political party did not amount to conduct which was contrary to the code. A reminder was issued for all members to be respectful towards each other and officers.
COM 383 (all Council)	Town	17.02.22	The Council submit a complaint relating to two Facebook posts by the Member which are said to be contrary to the Code.	<p>Champion the needs of residents</p> <p>Deal with representations or enquiries fairly</p> <p>Listen to the interests of all parties</p> <p>Contribute to making the Authority's decision-making processes</p> <p>Value colleagues and staff</p>		Awaiting member response

				Respect Disrepute.		
COM 384	Town	21.02.22	The Complaint relates to the conduct of the member at the Council meeting on 8 February 2022. It is said that the member was disrespectful towards Members and Officers during the meeting.	<ul style="list-style-type: none"> • Respect • Bullying/intimidatory 	28.02.2022	No further action The Member resigned upon receipt of the complaint.
COM 385	Town	22.02.22	The Member responded to correspondence from the Complainant which included the use of the words 'Local Councillor' which the Complainant considered was used as a veiled threat or warning. Also the Complainant found the tone to be dismissive.	<ul style="list-style-type: none"> • Respect • Disrepute 		Awaiting member response.
COM 388	County	28.02.22	It is said that the members failed to show respect at a Council meeting towards other members.	<ul style="list-style-type: none"> • Respect 		Awaiting member response..