



Standards Committee Hearing Panel

Date Thursday 21 September 2023
Time 9.30 am
Venue Committee Room 1A , County Hall, Durham

Business

Part A

**Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chair's
agreement.**

1. Election of Chair
2. Declarations of Interest
3. Standards Committee Hearing Panel - COM 393, COM 397 and FS-Case-514139036 (Pages 3 - 206)
 - (i) To consider **RESOLVING** that in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the matter on the grounds that it involves the likely disclosure of exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.
 - (ii) To consider the report of the Monitoring Officer and Head of Legal and Democratic Services in relation to COM 393, COM 397 and FS-Case-514139036.

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
13 September 2023

To: **The Members of the Standards Committee Hearing Panel**

Councillors J Nicholson, K Rooney and G Smith

Contact: Lucy Gladders

Email: 03000 269712

Standards Committee Hearing Panel**21 September 2023****Member Code of Conduct Complaints****COM 393, 397 and FS-Case-51439036****Report of Helen Bradley
Monitoring Officer and Head of Legal and Democratic Services****Electoral division(s) affected:**

Spennymoor

Purpose of the Report

1. This report summarises the issues relating to Member Code of Conduct Complaints, referred for determination by a Hearing Panel of the Standards Committee (the Panel) to take place on 21 September 2023.

Executive summary

2. The Monitoring Officer has received three complaints against Councillor Pete Molloy (the Subject Member) of Spennymoor Town Council. The two complaints from 2022 (COM 393 and COM 397) were assessed in line with the Local Assessment Procedure with the outcome of these initial assessments being investigation, which subsequently recommended the complaints be referred to a Hearing of the Standards Committee Panel. FS-Case-51439036 was assessed under the same procedure with the outcome of that being the complaint be referred to a Panel of the Standards Committee for consideration and determination.
3. The complaints relate to two separate issues arising from the three complaints. Two of the complaints relate to allegations of conduct of the Subject Member in his capacity as a Spennymoor Town Councillor towards officers of the Town Council including a failure to comply with mediation, as required of him following a finding by a Hearing Panel of the Standards Committee of 23 November 2021. The third complaint relate to allegations of conduct of the Member in his capacity as both a Spennymoor Town Councillor and as a Durham County Councillor and concern posts he has made on social media.

Recommendations

4. The Panel is recommended to:

a. determine as a preliminary matter, whether the Panel Hearing should be open to the Press and Public in full or in part; and

b. consider the investigation report for COM 393 & 397 and the decision notice for FS-Case-51439036, to reach decisions in respect of each complaint on:

i. Factual findings;

ii. Whether, and if so how, the Code has been breached by the Councillor; and

iii. If there has been a breach of the Code what action, if any, is required.

Background

5. Councillor Pete Molloy is a member of Spennymoor Town Council and has been in office since May 2019. Councillor Molloy is also a Durham County Councillor and has been since May 2021. As a member of the Town Council and as a Durham County Councillor, Councillor Pete Molloy expected to conduct himself in accordance with both the Town Council's Member Code of Conduct (Appendix 3) and Durham County Council's Code of Conduct (Appendix 2).
6. On 5 April 2022 and 25 April 2022, the Monitoring Officer acknowledged receipt of Code of Conduct complaints (COM 393 and COM 397) from the then Clerk to the Town Council and from a Member of the Town Council. The allegations relate to emails and Facebook posts which are alleged to be disrespectful towards fellow Councillors and the Clerk of the Town Council. The issues raised were similar in nature to those considered by a previous Hearing Panel of the Standards Committee on 23 November 2021 regarding the conduct of the same Member (COM 322, 324 and 364).
7. On 9 May 2023, the Monitoring Officer also received a Code of Conduct Complaint from another Member of the Town Council (FS-Case-514139036) which was acknowledged on 9 May 2023. This complaint was in relation to posts made on social media by the same Member in his capacity as a Spennymoor Town Councillor and as a Durham County Councillor.
8. A summary of each of the complaints to be considered by the Hearing Panel of the Standards Committee (the Panel) is set out below.

Preliminary Consideration

9. As a preliminary consideration, the Hearing Panel are to determine whether the Hearing should be open to the public and press. There is a presumption that meetings of the Hearing Panel will be open to the public and press unless confidential information or exempt information (within the meaning of Schedule 12A to the Local Government Act 1972) is likely to be disclosed.
10. The Procedure for Member Code of Conduct Complaints shown at Appendix 4 of this report sets out the circumstances in which hearings (or parts of hearings) can or should be held in private. These are:
 - (a) A hearing must be held in private where this is necessary to prevent confidential information being revealed. Confidential information means information that has been provided by a Government

department under the condition that it must not be revealed, as well as information that cannot be revealed under any legislation or by a court order.

(b) The law also gives the Hearing Panel the power to hold a private meeting to prevent 'exempt information' being revealed to the public. The categories of 'exempt information' are those set out in Schedule 12A to the Local Government Act 1972. The categories are as follows:

- i. Information relating to any individual.
- ii. Information which is likely to reveal the identity of an individual.
- iii. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- iv. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- vi. Information which reveals that the authority proposes -
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
- vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

(c) Regulations also provide for two additional categories of 'exempt information' in relation to the Hearing Panel namely information which is subject to any obligation of confidentiality or information which relates in any way to matters concerning national security.

11. The Panel will need to have regard to Article 6 of the European Convention on Human Rights, and Section 6(1) of the Human Rights Act 1998 which places a duty to act fairly and in line with the rules of natural justice. Article 6 favours public hearings, except in specific circumstances.
12. If the Hearing Panel decides to exclude the public to prevent 'exempt information' being revealed, it will only exclude the public for part of the proceedings. For example, if a witness' evidence is likely to reveal 'exempt information', the public will only have to be excluded while that witness is

giving evidence. If evidence is heard in private, the Chair of the Hearing Panel will warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing. The Hearing Panel may also need to use appropriate initials to protect the identity of witnesses during the hearing and in any public documentation.

13. The Panel in accordance with the procedure, in considering whether the press and public should be excluded from the meeting, will take into account any representations from the Investigating Officer, the Member concerned or his representative and the Independent Person with reasons why the Panel should make such an exclusion.

COM 393 & COM 397

14. COM 393 was submitted by a (now) former Officer of the Town Council who was at the time of the complaint the Clerk to Spennymoor Town Council. At the time the complaint was made, the Officer was still employed by the Town Council. COM 393 was submitted by a Member of the Town Council.
15. The complaints allege a failure of the Subject Member to comply with actions required to him as a result of a finding by the Hearing Panel of the Standards Committee of 23 November 2021, in respect of previous complaints against the Member (COM 322, 323, 324 and 364).
16. In addition, the complaint concerns an email sent by the Subject Member to fellow Town Councillors in relation to a complaint he had made against the Complainant that she had lied and improperly added information to a previous complaint against him, which was dismissed by the Town Council. In the email, the Subject Member reiterates his allegations and calls other Town Council Members “spineless cowards”.
17. Further, the complaint contains a post which the Subject Member had posted on the Spennymoor What’s Happening and his Councillor Facebook Page. The post reiterates the allegations against the Clerk and refers to having sent the above email calling other Members of the Town Council “spineless cowards”. The post also alleges that another Councillor was protecting the Complainant because she had previously assisted in the payment of a grant of £30k to the cricket club of which he was president, and that the Complainant had also assisted one of Councillor’s group members to obtain a lease from the Town Council for a peppercorn.
18. The allegations relate potential breaches of the Member Code of Conduct for Spennymoor Town Council, a copy of the current Code of Conduct is shown Appendix 3. A summary of the relevant paragraphs of the Code is shown below:

... the code applies whenever you:

conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or act, claim to act or give the impression you are acting as a representative of the Council.

...

Act in accordance with the principles in paragraph 2.2 and, in particular:

- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
 - (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
 - (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
 - (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
 - (j) Always treat people with respect;
 - (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.
19. On 6 June 2022, the complaints were referred for investigation which was recorded in the decision notice shown at pages 63 to 65 of Appendix 5. Mr Philip McCourt was appointed as the Investigating Officer.
20. A report was prepared by the Investigating Officer which is shown at Appendix 6. The Investigating Officer within the report sets out at paragraph 8.3, the provisions of Article 10 of the European Convention on Human Rights, which states:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions and penalties as prescribed by law and are necessary in a democratic society, ... for the protection of the rights and interests of others....”

21. The Investigating Officer at paragraph 8.4 of the report further notes that:

“The right is therefore not absolute and it may be restricted if (and insofar as) restriction is prescribed by law and “necessary in a democratic society for the protection of the rights and interests of others”. It should be noted, however, that the courts have recognised the importance of expression in the political sphere; it has long-recognised that what is said by elected politicians is subject to enhanced protection, i.e. a higher level of protection, under Article 10. In practice, a councillor’s right to free speech means that they can make comments, in a political context, including those that might be considered provocative, offensive and exaggerated. In addition, value judgments are tolerated even if untrue, so long as they have a level of factual basis.”

22. The Member has participated in the investigation. He was interviewed by the Investigating Officer in relation to the allegations. The below is a summary of the evidence he provided to the Investigating Officer in relation to COM 393 & 397 (paragraphs 5.32 – 5.38 of the Investigation Report).

23. The Subject Member stated that he did not take part in the mediation that was arranged as in part he believed it was to be led by the Monitoring Officer, which was not the case, and that he had believed that it was just in respect of himself and the Clerk, rather than including another Officer as he felt there was no need for that. The Investigating Officer states that ‘in essence, [the Subject Member] did not proceed with the mediation on the basis that he felt “it wouldn’t achieve anything because basically, the political party councillors have got her back which is quite evident through the recent special committee meetings”.’

24. The Investigating Officer further states that the Subject Member ‘went on to explain that a number of people, including his wife, had made complaints about [the Clerk’s] conduct as Town Clerk but that he felt that the Members of the Council had rallied around her and that, in relation to any mediation there is no point in mediation “because the cards are stacked heavily in her favour”.

25. With regards to the emails and the Facebook posts, the Subject Member stated that he had “called them a bunch of spineless cowards and quite frankly they are”. He explained to say this was all “political speech” and that “I am the opposition to them”.
26. In respect of the emails and the Facebook posts relating directly to the former Town Clerk and in relation to the topic of his comments in respect of the other Councillors being unduly protective or supportive of the former Clerk, the Subject Member considers he was entitled to do so because of the behaviours of the her in her role as Town Clerk and the failure of other Members of the Town Council to address them, in that the Clerk runs the Council rather than Members.
27. The Subject Member considers that the practices of the former Clerk and the Councillors supporting her are corrupt and that “people only know what’s going on in Spennymoor through the independents and they have the right to know”.
28. The Subject Member cited examples of failure of a Member not declaring an interest and the Clerk failing to unlock doors for public access during a meeting.
29. The Subject Member also provided links to recorded webcasts of these meetings to the Investigating Officer. The Subject member also makes an allegation concerning the failure to undergo proper public procurement and, instead, make a direct award contract to a company.
30. The Investigating Officer’s considerations of the allegations can be found at paragraphs 7 – 9 of the Investigation Report.
31. In summary, the Investigating Officer has found as follows:
 - I. **Alleged failure to participate in mediation**

The Investigating Officers view is that the objections of the Subject Member do not invalidate the action determined to be taken in relation to him as a Member of the Town Council by the DCC Hearing Panel hearing and that accordingly he has further failed to comply with the Town Council’s Code of Conduct in respect of paragraphs 2.4(g) and 2.5.
 - II. **Alleged content of the email to fellow Members of the Town Council**

The Investigating Officer states that given the history of the Subject Members conduct towards the former Clerk they “cannot come to a view that the statement was made as a genuine value judgment based upon a reasonable factual basis but, rather, that it was said

as a deliberate means by which to attack or undermine [the former Clerk] in the course of her employment and was expressly addressed to those who, as a collective membership, are the employer of [the Clerk]." The Investigating Officer states that they will discuss the relationship further in paragraph 9.

III. Alleged content of the social media posts

The Investigating Officer considers that the posting of the Subject members "comments and accusations were motivated by his personal animosity towards [the former Clerk] and his frustrations at her not being disciplined in respect of he and his wife's personal complaint against her on this occasion; these posts were an act of aggression and a direct form of bullying". 9.25 of the report states that the Investigating Officer considers that there has been a failure by the Member to comply with the Council's Code of Conduct.

32. Following the findings of the Investigating Officer, the Monitoring Officer in consultation with the Independent Person, Chris Hugill, recommended that this matter be referred for determination by the Standards Committee Panel.
33. In accordance with the Procedure for Member Code of Conduct Complaints, the Member was invited to provide his comments on the report and his submissions to the Panel which are shown at Appendix 7 of this report (page 119).

FS-Case-514139036

34. The Monitoring Officer received the complaint FS-Case-514139036 on 9 May 2023. The complaint was submitted by another Member of Spennymoor Town Councillor and was in relation to a post made by the Subject Member in a Facebook Group known as "Spennymoor What's Happening Politically".
35. The complaint was considered in accordance with the Local Assessment Procedure and after consultation with the Independent Person, was referred directly for consideration by a Hearing Panel of the Standards Committee. The Monitoring Officer considered that there was sufficient information within the complaint and response of the Subject Matter for the Panel to consider the matter without the need for an investigation. A copy of the decision notice was sent to the Subject Member on 25 May 2023 and is attached at Appendix 8.
36. The post in question purported to be in response to an article published in the Daily Mail online under the headline "Bridgerton Star Adjoa Andoh stuns ITV", which referred to a comment made by Adjoa Andoh that the

balcony of Buckingham Palace at HM King Charles III's Coronation was "terribly white".

37. A screenshot of the Subject Members post is provided at Appendix 9 which can be found at page 205.
38. The Complainant alleges in response to the Subject Member's post that he "has continued to air wholly unacceptable and racist views in a public forum on the Spennymoor What's Happening Politically Facebook page. Whilst it was shared from his personal page it cannot be separated from his identity as a councillor."
39. In response to the complaint, the Subject Member admits that he made the post however, he does not consider that the remarks he made were racist. He also considered that the complaint was politically motivated noting that the Complainant is a member of the Labour Party, whereas he is an Independent.
40. The Subject Member also does not believe that he breached the Code of Conduct as the original Facebook post was made in his personal capacity as he used his personal Facebook profile and not his "Councillor Pete Molloy" profile.
41. The allegations relate to potential breaches of the Member Code of Conduct for both Durham County Council and Spennymoor Town Council a copy of the current Codes of Conduct is shown Appendices 2 and 3. A summary of the relevant paragraphs of the Codes is shown below:

... the code applies whenever you:

conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or act, claim to act or give the impression you are acting as a representative of the Council.

...

- Behave in accordance with all legal obligations;
- Always treat people with respect;
- Not bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public.

42. The Subject Member was asked for his comments on the draft decision notice. The Subject Member stated that he had, prior to receipt of the draft decision notice, been unaware that the posts which identify him as a Councillor on his 'Pete Molloy' Facebook page, were visible on his publicly

accessible timeline. He stated that he has since adjusted his privacy settings so that they are no longer publicly accessible. He also removed the post subject of this complaint from his 'Councillor Pete Molloy' Facebook page.

43. As per the Procedure for Member Code of Conduct Complaints, the Independent Person Karen Milner's views were sought, to which she was in agreement with the action proposed of a referral to the Standards Hearing.

Role of the Panel

44. The pre-hearing process has been followed with a view to limiting the issues for decision by the Panel. The pre-hearing process can be found within section 6 of the Procedure for Member Code of Conduct Complaints. A copy of the Procedure can be found at Appendix 4. The Procedure for Member Code of Conduct Complaints was adopted in June 2023 following a revision of the Local Assessment Procedure.
45. Where the assessment of the complaint or where an investigation finds evidence of a failure to comply with the Code of Conduct and informal resolution is not appropriate or possible, the investigation findings will be reported to a Hearing Panel of the Standards Committee for local determination.
46. The role of the Panel is to consider each of the complaints and allegations separately. The Panel will need to consider the evidence presented by the Investigating Officer and the Member.
47. As set out earlier in the report, the Member was able to comment on the draft report in relation to COM 393 & COM 397 and has been provided with a copy of the final report. The response from the Member to the draft report can be found at paragraph 11.4 within the Investigation Report (Appendix 6).
48. The Member was also provided a copy of the draft decision notice of FS-Case-51439036 and was able to comment on this. The response from the Member is shown at paragraph 51 in the final decision notice (Appendix 8). The Member has been provided with a copy of this decision notice.
49. Having heard from the Investigating Officer, the Presenting Officer and the Member, it is the role of the Panel to make findings of fact in relation to the conduct complained of and determine whether or not they consider that the Member has breached the Code of Conduct. The Panel is entitled to reach a different conclusion to the Investigating Officer or the Presenting Officer.

50. Before reaching a decision on the allegations, the Panel must consider representations from the Independent Person as to whether or not there has been a breach of the Code.
51. If the Panel conclude that there has been a breach of the Code of Conduct it must decide what action, if any, should be taken. The Panel will consider representations from the Investigating Officer, Member and Independent Person on the issue of sanctions.
52. The Localism Act provides the following sanctions for current Councillors which are set out in the Procedure for Member Code of Conduct Complaints and are as follows:
 - a. Censure of the Member;
 - b. Recommending to Full Council, or to the Town or Parish Council that the Member be removed from any or all Committees or Sub-Committees;
 - c. Recommending to Full Council, or to the Town or Parish Council, that the Member be removed from all outside appointments to which s/he has been appointed or nominated by the authority;
 - d. Recommending to Full Council, or to the Town or Parish Council, that the Member's access and use of resources of the Authority be restricted for a maximum period of six months, provided that any such restrictions imposed upon the Member:
 - i. are reasonable and proportionate to the nature of the breach; and
 - ii. do not unduly restrict the Member's ability to perform his functions and duties as a Member;
 - e. A requirement that the Member submit a written apology.
 - f. A requirement that that Member undertake training as specified by the Hearing Panel.
 - g. A requirement that that Member undertake conciliation as specified by the Hearing Panel;
53. The Hearing Panel will announce its decision and the end of the Hearing and as soon as practicable after the hearing the Hearing Panel provide a written decision notice, which will be sent to the Complainants, the Member, the Clerk to the Town Council and published on the Council's website.
54. The Hearing Panel will announce its decision at the end of the hearing. As soon as practicable after the hearing, the Hearing Panel will give its full written decision to the relevant persons involved.

55. A summary of the decision and reasons for that decision will be published on the Council's website.

Background papers

- None

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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.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None

Human Rights

In deciding whether the Hearing should be held publicly, or private, the Panel will need to have regard to Article 6 of the European Convention on Human Rights, and Section 6(1) of the Human Rights Act 1998 which places a duty to act fairly and in line with the rules of natural justice. Article 6 favours public hearings, except in specific circumstances. Crime and Disorder

Staffing

None

Accommodation

None

Risk

None

Procurement

None

CODE OF CONDUCT FOR MEMBERS

The County Council of Durham Code of Conduct for Members

1. The County Council of Durham (“the Council”) has adopted the following code which has effect from 24 March 2021 and will be reviewed annually. The Code which sets out the conduct that is expected of elected and co-opted members of the Council when they are acting in that capacity.
2. This means the code applies whenever you:
 - (a) conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.
3. ‘Co-opted member’ means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members

Part 1 – General Conduct

4. Members and co-opted Members of Durham County Council (“the Council”) are expected to undertake their duties as follows:
 - 4.1 Represent the community and work constructively with employees and partner organisations to ensure the area is a safer place to live, work and visit.
 - 4.2 Behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Council:
 - (a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family or friends;
 - (b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
 - (c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and

benefits;

- (d) **Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
- (e) **Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands;
- (f) **Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** promote and support these principles by leadership and example.

4.3 Act in accordance with the principles in paragraph 4.2 and, in particular:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them - and put the public interest first;
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially;
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Council or the good governance of the Council in a proper manner;
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member / Co-opted Member of the Council;
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
- (f) Be accountable for decisions and cooperate when scrutinised internally and externally, including by local residents;

- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside;

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Members should express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack.

Members should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. Members equally have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Members may stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where appropriate action could then be taken under the Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's relevant protocols;

- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

- (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.

- (n) Not to bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public;
- (o) To hold the local authority and fellow Members to account and constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

4.4 It is expected that Members will at all times comply requests as part of Code of Conduct investigations and any arising outcomes. Members will not submit malicious or trivial complaints.

4.5 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

Part 2 - Registration of interests

Register of Interests

5.1 Members must:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that they are obliged to declare under the Localism Act and associated regulations; and

- (b) register any body of which they are a member (or in a position of general control or management) to which you were appointed or nominated by the Council; and
- (c) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- (d) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Monitoring Officer at Durham County Council. Members must ensure they keep the register updated and acknowledge that its contents will be published on the Authority's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

If Members are present at a meeting of the Authority and:

- (a) they are aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register

they may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; and they must leave the room where the meeting is held while any discussion and or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

7.1 If Members are present at a meeting of the Authority and:

(a) aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**

(b) the interest is not entered in the Authority's register,

they must disclose the interest to the meeting. Furthermore, they may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and must leave the room where the meeting is held while any discussion and or voting takes place.

7.2 If an interest referred to in 5.1(a) above is not entered on the Authority's register and is not the subject of a pending registration, Members must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 Members with the power to discharge an Authority function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:

(a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); **and**

(b) if the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

8. Sensitive Interests

8.1 This applies to a situation where a Member considers that the disclosure of the details of your interest – including that of your spouse or partner – could lead to you, or a person connected with you, being subject to violence or intimidation.

8.2 In such circumstances you should share your concerns with the Council's Monitoring Officer. If the Monitoring Officer agrees with you, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that you had registered an interest the details of which had been withheld under Section 32 of the Localism Act 2011.

8.3 If the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.

8.4 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.

9. **Other Relevant Interests**

9.1 Members may have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 5.1(b), 5.1(c) or 5.1(d) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority's administrative area; **and**
- (b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

9.2 Where a member has an Other Relevant Interest in an item of business as described in 9.1, the member shall declare it at the earliest opportunity. The member may make a representation on the item but will not be permitted to participate in any discussion or vote taken on the matter at the meeting. The member must leave the meeting once the representation has been made to avoid influence on those making the decision.

10. **Gifts and Hospitality**

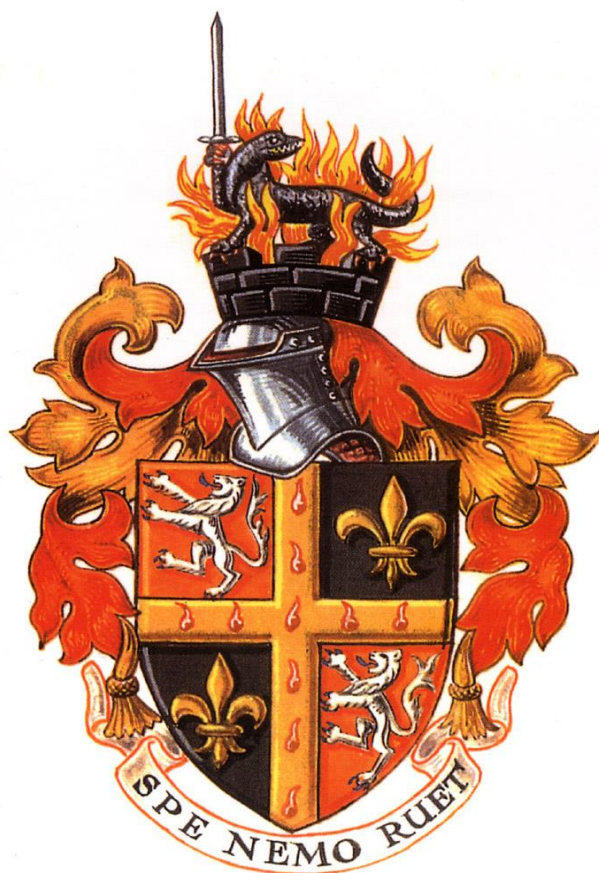
10.1 Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.

10.2 The Monitoring Officer will place any notification received under paragraph 10.1 on a public register of gifts and hospitality.

10.3 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

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SPENNYMOOR TOWN COUNCIL



MEMBERS' CODE OF CONDUCT

Author of Policy:	Town Clerk
Date Effective From:	27 July 2021
Policy Review: When & By Whom	6 July 2021 Policy and Resources Committee
Next Review:	July 2023
Version Control:	V3 (new DCC version)

In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's Website www.spennymoor-tc.gov.uk and copies of this document will be available for inspection on deposit in the Council Offices, Town Hall, Spennymoor. Costs are as per the model publication scheme.

1. Introduction

1.1 Pursuant to section 27 of the Localism Act 2011, SPENNYMOOR TOWN COUNCIL ('the Council') has adopted the following code which has effect from 27 July 2021 and will be reviewed annually. The Code which sets out the conduct that is expected of elected and co-opted members of the Council when they are acting in that capacity.

1.2 This means the code applies whenever you:

conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or act, claim to act or give the impression you are acting as a representative of the Council.

1.3 'Co-opted member' means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members

2. Part 1 – General Conduct

2.1 Members and co-opted Members of Spennymoor Town Council ("the Council") are expected to undertake their duties as follows:

2.2 Represent the community and work constructively with employees and partner organisations to ensure the area is a safer place to live, work and visit.

2.3 Behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Council:

(a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family or friends;

(b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;

(c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and

benefits;

- (d) Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
- (e) Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands;
- (f) Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) Leadership:** promote and support these principles by leadership and example.

2.4 Act in accordance with the principles in paragraph 2.2 and, in particular:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them - and put the public interest first;
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially;
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Council or the good governance of the Council in a proper manner;
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member/Co-opted Member of the Council;
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
- (f) Be accountable for decisions and cooperate when scrutinised internally and externally, including by local residents;

- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside;

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Members should express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack.

Members should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. Members equally have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Members may stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where appropriate action could then be taken under the Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's relevant protocols;

- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is

of a confidential nature, without express authority and/or unless the law requires it.

- (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.

Not to bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public;

To hold the local authority and fellow Members to account and constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

- 2.5 It is expected that Members will at all times comply with requests as part of Code of Conduct investigations and any arising outcomes. Members will not submit malicious or trivial complaints.
- 2.6 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

3. Part 2 – Registration of Interests

3.1 Register of Interests

Members must:

- (a) register and, where appropriate, disclose those disclosable pecuniary interests that they are obliged to declare under the Localism Act and associated regulations; and register any body of which they are a member (or in a position of general control or management) to which you were appointed or nominated by the Council; and
- (c) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- (d) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

3.2 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Town Clerk. Members must ensure they keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

4. Disclosable Pecuniary Interests Entered on the Register

4.1 If Members are present at any meeting of the Council and:

- (a) they are aware that they have a disclosable pecuniary interest under paragraph 3.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register

they may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; and they must leave the room where the meeting is held while any discussion and or voting takes place.

5. Disclosable Pecuniary Interests NOT Entered on the Register

5.1 If Members are present at a meeting of the Authority and:

- (a) are aware that they have a disclosable pecuniary interest under paragraph 3.1(a) above in any matter to be considered or being considered at the meeting; **and**
- (b) the interest is not entered in the Authority's register,

they must disclose the interest to the meeting. Furthermore, they may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and must leave the room where the meeting is held while any discussion and or voting takes place.

5.2 If an interest referred to in 3.1(a) above is not entered on the Authority's register and is not the subject of a pending registration, Members must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

5.3 If Members with the power to discharge an Authority function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:

- (a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); **and**

if the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Town Council and Monitoring Officer of the interest within 28 days of becoming aware of the interest.

6. Sensitive Interests

- 6.1 This applies to a situation where a Member considers that the disclosure of the details of your interest – including that of your spouse or partner – could lead to you, or a person connected with you, being subject to violence or intimidation.
- 6.2 In such circumstances you should share your concerns with the Town Clerk and Monitoring Officer. If the Monitoring Officer agrees with you, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that you had registered an interest the details of which had been withheld under Section 32 of the Localism Act 2011.
- 6.3 If the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.
- 6.4 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.

7. Other Relevant Interests

- 7.1 Members may have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:

a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 3.1(b), 3.1(c) or 3.1(d) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority's administrative area; **and**

the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

7.2 Members with an Other Relevant Interest as described above:

- (a) must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent; **and**
- (b) must not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have an Other Relevant Interest at any meeting at which they are present and will leave the room where the meeting is held while any discussion or voting takes place.

8. Gifts and Hospitality

- 8.1 Members must, within 28 days of receipt, notify the Town Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.
- 8.2 The Town Clerk will place any notification received under paragraph 8.1 on a public register of gifts and hospitality.
- 8.3 The duty to notify the Town Clerk does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

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Procedure for Member Code of Conduct Complaints

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Definitions

Authority

The Subject Member's Council at the time of an allegation.

Code of Conduct

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

Complainant(s)

The person(s) making the complaint that a Subject Member has breached the Code of Conduct.

Head of Legal and Democratic Services

The designated Proper Officer for the determination of "exempt information" as defined in Schedule 12A to the Local Government Act 1972.

Independent Person

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

Informal Resolution

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

Investigating Officer

The person appointed by the Monitoring Officer to undertake the investigation of an allegation.

Investigation

An investigation undertaken by the Investigating Officer.

Legal Advisor to the Hearing Panel

The Monitoring Officer, or in their absence the Deputy Monitoring Officer or their representative.

Monitoring Officer

The person appointed in accordance with section 5 of the Local Government and Housing Act 1989 who oversees investigations into complaints made against Subject Members under the Code of Conduct.

Subject Member

The person whom the complaint has been made against.

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 Informal 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.

2. How to make a complaint

2.1 Complaints must be submitted via the online [Code of Conduct complaint form](#). However, if you require assistance to make your complaint or you would prefer the form to be provided by post or email, please email democraticservices@durham.gov.uk or telephone 03000 269712.

2.2 When making your complaint you should include the following information:

- (a) Your name, address, and other contact details
- (b) The name(s) of the Subject member(s) who the complaint is against and the name of the Council that they represent.
- (c) Details of the complaint including, where possible, date(s) of the alleged misconduct (if you cannot provide exact dates, it is important to give a general timeframe), witnesses and their details and any other supporting information.

2.3 Your address and contact details will not usually be released unless necessary to deal with the complaint. However, we will tell the following people that you have made a complaint:

- the Subject Member(s) whom the complaint is about
- any other person whom we consider it necessary to inform to properly investigate your complaint.

2.4 We will tell the Subject Member(s), your name and give them a summary or a copy of your complaint. We will give them full details of the complaint where necessary or appropriate to be able to deal with it. 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. If you have serious concerns about your name and the details of your complaint being released, please state these on the complaint form. Please be aware that any decision notice 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.

2.5 Where the Monitoring Officer or a person deputising on their behalf does not agree to keep your identity confidential, you will be given the opportunity to seek to withdraw your complaint (or to ask for it to be considered anonymously). 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.

2.6 The Monitoring Officer or a person deputising on their behalf may also make the decision to withhold your identity from the Subject Member if s/he considers that disclosure might prejudice any future investigation.

2.7 If you wish to withdraw your complaint before the Monitoring Officer or a person deputising on their behalf has made a decision on it, then the Monitoring Officer will decide whether to grant that request.

2.8 In making that decision s/he will take into account the following considerations:

- 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 Subject member who is the subject of the complaint, or an associate of theirs, to withdraw the complaint?

3. Assessment of complaint

3.1 The Monitoring Officer or a person deputising on their behalf, in consultation with the Independent Person where appropriate, will, as soon as reasonably practicable, and normally within 20 working days of receipt of the complaint, consider and decide if any action should be taken on it. Assessment may in some circumstances be delayed if a police or other (for example, internal Audit) investigation is first warranted.

3.2 For a complaint to be considered it must fall within the jurisdiction of the Monitoring Officer. The Monitoring Officer or a person deputising on their behalf can only consider complaints where a Subject Member was acting as a councillor or giving the impression that they were acting as a Councillor, or a representative of the Council and that the member was in office at the time of the alleged conduct.

3.3 The Monitoring Officer or a person deputising on their behalf will also take into account the following considerations before deciding if a complaint warrants further consideration under the procedure:

- Where the Member Code of Conduct is not engaged or, the conduct is unlikely to amount to a breach of the Code of Conduct.
- Where a complaint is more than 3 months old and there is no good reason for the delay.
- Where multiple complaints have been submitted of a similar nature.
- Where the complaint has already been subject of an investigation or other action either at the Council or another regulatory authority in the last 3 years.
- Where the complaint appears to be malicious, politically motivated or tit-for-tat.
- Where the Subject Member has already apologised or offered a remedy.

3.4 Once an initial assessment has taken place, the Monitoring Officer or a person deputising on their behalf will decide either:

- (a) That no action should be taken in respect of the complaint;
- (b) To seek informal resolution;
- (c) To refer the complaint for investigation; or
- (d) To refer the complaint to the Standards Committee.

3.5 Where multiple complaints are submitted concerning the same Member(s) and/or are similar in nature the Monitoring Officer or a person deputising on their behalf may decide to consider the complaints under one decision notice.

3.6 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 or a person deputising on their behalf may instead refer the complaint to the Monitoring Officer of that other relevant authority if s/he thinks it more appropriate to do so.

3.7 Where the Monitoring Officer or a person deputising on their behalf requires further information they may contact the complainant, the Subject Member, any witnesses to

the complaint or the Clerk (where applicable). The complainant's and the Subject Member's identity may be disclosed to any such witnesses.

3.8 The Subject Member(s) will be notified that a complaint has been made against them and they will be given 10 working days from the date of the notification to submit any comments they may have. If the Subject Member(s) requires an extension of time to provide their response, they must submit their reasons in writing to the Monitoring Officer or a person deputising on their behalf who will decide if it is appropriate to grant the extension.

3.9 Where appropriate the Monitoring Officer or a person deputising on their behalf will notify the relevant political Group Leader of the Subject Member of the complaint and the outcome.

3.10 The Monitoring Officer or a person deputising on their behalf, will produce a written decision which will include the main points considered, the conclusion and the reasons for that conclusion. The decision will be sent as soon as possible to the complainant and to the Subject Member who is the subject of the complaint.

3.11 The 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. A copy of the decision will also be sent to the clerk of the relevant Parish/Town council where applicable.

4. Informal Resolution

4.1 The Monitoring Officer or a person deputising on their behalf 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 is called informal resolution. Informal resolution may involve:

- (a) Exploring whether the Subject Member(s) are prepared to apologise for the act or omission complained of;
- (b) Arranging for the Subject Member(s) who is the subject of the complaint to attend a training course;
- (c) Arranging for the Subject Member(s) 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.

5. Investigations

5.1 The Monitoring Officer will consider the following questions before referring the complaint to an investigation:

- Has the complainant submitted enough information?
 - How long ago the alleged complaint occurred?
 - Has the complaint already been the subject of an investigation or other action either at the Council or another regulatory authority in the last 3 years?
 - Does the complaint appear to be malicious, politically motivated or tit-for-tat?
- Has the Subject Member already apologised or offered a remedy?
- Does the complaint justify the cost of an investigation?

5.2 Where the Monitoring Officer decides that a complaint should be referred for investigation, and after consulting the Independent Person, they will appoint an Investigating Officer. This may be another officer of the council, an officer of another Council or an external investigator.

5.3 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.

5.4 The Investigating Officer will normally write to the Subject Member and the complainant, and they may also ask to speak or meet with them. This will be to gain a greater understanding of the nature of the complaint and find out who they need to interview as part of their investigation.

5.5 At the end of the investigation, the Investigating Officer may produce a draft report and send copies to the complainant and to the Subject 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.

5.6 Where the Investigating Officer 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.

5.7 Where paragraph 5.6 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.

5.8 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.

5.9 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 Informal Resolution in appropriate cases. Where such Informal 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.

5.10 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.

5.11 If a matter is referred back to the Monitoring Officer, s/he will reconsider and make one of the decisions set out in paragraph 5.10 above. In forming an opinion for the purposes of paragraph 5.10(a) above, the Monitoring Officer may take account of:

- i) The failure of any person to co-operate with an investigation; OR
- ii) An allegation that the Subject Member concerned has engaged in a further breach of the Council's Code of Conduct or that of another relevant authority; OR
- iii) 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. Hearings

6.1 Where the assessment of the complaint or where an investigation finds evidence of a failure to comply with the Code of Conduct and informal resolution is not appropriate or possible, the investigation findings will be reported to a Hearing Panel of the Standards Committee for local determination. The purpose of the hearing is to decide whether or not the Subject Member has failed to follow the Code of Conduct and, if so, to decide whether or not any sanction should be applied and what form any sanction should take.

6.2 The Hearing Panel will usually be convened within three months beginning on the date on which the Monitoring Officer receives the Investigator's Monitoring Officer report or the date of the decision notice recommending that the complaint be referred to hearing.

6.3 The hearing shall not be held until at least fourteen days after the date on which the report or the decision notice recommending that the complaint be referred to hearing was sent to the Subject Member, unless they agree to the hearing being held earlier.

6.4 The Hearing Panel will usually aim to complete a hearing in one sitting or in consecutive sittings of no more than one working day in total.

6.5 The Hearing Panel will comprise three Members of the Standards Committee. A quorum of the Hearing Panel will be three Members. If the complainant or subject member is a member of the Standards Committee, they will not sit on the Hearing Panel.

6.6 The Hearing Panel will act in an inquisitorial, rather than an adversarial manner, seeking the truth in relation to the conduct of the Subject Member on the balance of the information available to it. The Hearing Panel can commission further investigation or information where it needs to do so in order to come to a decision.

6.7 It is expected that the Hearing Panel will reach a decision by consensus. In the absence of a consensus, each Member of the Hearing Panel will have one vote and all matters/issues will be decided by a simple majority of votes cast.

6.8 Meetings of the Hearing Panel will be open to the public and press unless confidential information or exempt information (within the meaning of Schedule 12A to the Local Government Act 1972) is likely to be disclosed.

6.9 The Hearing Panel can make one of the following findings:

- that the Subject Member has not failed to follow the Code of Conduct; or
- that the Subject Member has failed to follow the Code of Conduct, but no action needs to be taken; or
- that the Subject Member has failed to follow the Code of Conduct and should be sanctioned.

6.10 If the Hearing Panel finds that the Subject Member has failed to follow the Code of Conduct and that they should be sanctioned, it may take any one or a combination of the following actions:

- censure the Subject Member (this is the only form of sanction available when dealing with a person who is no longer a Councillor);
- restriction to the access and use of resources of the Authority for a maximum period of six months, provided that any such restrictions imposed upon the Subject Member:
 - are reasonable and proportionate to the nature of the breach; and
 - do not unduly restrict the person's ability to perform the functions of a Member.
- a requirement to give a written apology;
- the removal of the Subject member from a committee;
- a requirement to undergo training.

6.11 The Hearing Panel will announce its decision at the end of the hearing. As soon as practicable after the hearing, the Hearing Panel will give its full written decision to the Complainant, the Subject Member and (if applicable) the Clerk to the Town or Parish Council.

6.12 A summary of the decision and reasons for that decision will be published on the Council's website which will include a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person and the reasoning of the decision maker and any sanction applied.

Pre-Hearing Process

Notification to Member

6.13 Where a final report of an Investigating Officer which contains a finding of failure to comply with the Code of Conduct has been referred to a Hearing Panel for local determination, the Administrative Officer will write to the Member concerned to:

- (a) propose a date for a meeting of the Hearing Panel,
- (b) outline the hearing procedure,
- (c) outline the Member's rights.

In addition the Administrative Officer will ask the Member concerned to indicate within 14 days whether or not he/she:

- (a) disagrees with any of the findings of fact in the Investigating Officer's Report, including the reasons for any disagreement,

- (b) will attend the hearing in person,
- (c) wants to be represented at the hearing by a solicitor, barrister or any other person,
- (d) wants to give evidence to the Hearing Panel, either orally or in writing,
- (e) wants to call relevant witnesses to give evidence to the Hearing Panel, and if so, the Member must provide a summary of the evidence to be given by those witnesses,
- (f) wants any part of the hearing to be held in private, giving reasons under the relevant Article of the European Convention on Human rights or category of confidential or exempt information (see Appendices Two and Three)
- (g) wants any part of the Investigating Officer's report or other relevant documents to be withheld from the public, giving reasons under the relevant Article of the European Convention of Human Rights or category of confidential or "exempt information".

Members' Response

6.14 In his/her reply a Member must make clear all of his/her disagreements with the findings of fact in the Investigating Officer's report during this pre-hearing stage. This will allow the Chair of the Hearing Panel, in consultation with the Monitoring Officer, to decide which witnesses will be needed. A Member will normally not be allowed to raise any new disagreements over findings of fact in the Investigating Officer's report at the Hearing Panel itself, unless there are good reasons for doing so, such as new evidence becoming available.

6.15 When the response of the Member concerned has been received, or, if no response is received, once the 14 day period for responding has elapsed, the Chair of the Hearing Panel in consultation with the Monitoring Officer will agree the date, time and place for the hearing.

Advance Notification of Hearing

6.16 At least 14 days before the hearing, the Administrative Officer will give notification of the date, time and venue set for the hearing to those involved. He will also inform the Member concerned of the membership of the Panel which will consider the matter.

Agenda for Hearing

6.17 At least 7 days before the day of the meeting of the Hearing Panel, the Administrative Officer will send the following papers to each Member of the Panel, to the Member concerned, to the Investigating Officer, to the Monitoring Officer and to the Independent Person:

- (a) the agenda for the meeting of the Hearing Panel;

- (b) a copy of the Investigating Officer's report (unless already provided); and
- (c) where relevant, a copy of any written statement in response to the Investigating Officer's report received from the Member and the Investigating Officer's reply to the Member's response.

6.18 The provision of any such papers referred to in paragraph 6.17 may be made conditional upon an appropriate undertaking of confidentiality until such time as they are made available to the press and public or the Hearing Panel agrees at the commencement of the hearing that the press and public shall not be excluded from the meeting.

6.19 Any additional documents intended to be relied on and/or referred to at the hearing must be provided to the Administrative Officer at least 3 days before the date of the Hearing.

Public Access to Hearing and Documents

6.20 There is a presumption that hearings will be held in public and that reports for the Hearing Panel will be available before and during the hearing. However, there may be reasons, as detailed under 'Exclusion of Press and Public', which would prevent public access to the hearing (or part of the hearing) and documents (or parts of documents) to be considered by the Hearing Panel.

Confidentiality in advance of Hearing

6.21 Where the Head of Legal and Democratic Services considers that the Investigating Officer's report and/or Member's written statement in response to the Investigating Officer's report and/or the Investigating Officer's reply to that response is likely to disclose "exempt information", and in consequence that it is likely that the Hearing Panel will not be open to the public during consideration of these papers, he/she shall not provide copies of these papers to the press or public or permit inspection thereof by the press or public in advance of the meeting.

6.22 Where the Head of Legal and Democratic Services considers that the Investigating Officer's report and/or the Member's written statement in response and/or the Investigating Officer's reply to that response is likely to disclose "exempt information" falling within Schedule 12A to the Local Government Act 1972, he will not provide copies of such papers to, nor permit inspection by any Member of the Authority other than the Members of the Hearing Panel and the Member concerned in advance of the meeting.

6.12 "Exempt information" is defined in Schedule 12A of the Local Government Act 1972.

Hearing Procedure

Legal Advice

6.13 The Hearing Panel may at any time seek legal advice from the Legal Adviser during the hearing or while the Hearing Panel considers the outcome. Such advice

will on all occasions be given in the presence of the Investigating Officer and the Member.

Member Attendance or Representation

6.14 The Member may arrange to be represented or accompanied at the hearing at his/her own expense by a solicitor, counsel or another person.

6.15 If the Member does not attend the hearing, the Hearing Panel may consider the Investigating Officer's report and the Independent Person's views in the Member's absence. If the Hearing Panel is satisfied with the Member's reason for not being able to attend the hearing, then it may arrange for the hearing to be held on another date.

6.16 Where the Hearing Panel proceeds in the absence of the Member, the procedure for the meeting shall be adapted as necessary, giving any representative of the Member who may be present such rights as would otherwise be accorded to the Member concerned.

Order of Business

6.17 The order of business at the meeting shall be as follows:

- (a) Disclosures of interest. The Chair will invite Members to declare any interest they may have in the matter.
- (b) Introduction of Members of the Hearing Panel, the Investigating Officer, the Monitoring Officer, the Member against whom a complaint has been made, any representative of the Member, any witnesses and, the Independent Person.
- (c) If the Member is not present, consideration as to whether to adjourn or to proceed in his/her absence.
- (d) Consideration as to whether the press and public should be excluded from the meeting. The Hearing Panel will take into account any representations from the Investigating Officer, the Member concerned or his/her representative and the Independent Person with reasons why the Panel should make such an exclusion.
- (e) A note of the issues which the Hearing Panel will have to consider in deciding whether or not to exclude the press and public is set out in Appendix Three.
- (f) The Hearing Panel will then make a determination on whether to exclude the press and public. Where the Panel decides not to exclude the press and public, the Administrative Officer will at this point provide copies of such relevant documentation to any members of the press and public who are present.
- (g) The Investigating Officer will present his/her own reports. The Investigating Officer will address only the issue of whether the Member

has acted in breach of the Code of Conduct. The Investigating Officer may introduce any witnesses required to substantiate any matter. Members of the Hearing Panel and the Independent Person may question the Investigating Officer and any witness on any matter within their competence. The Hearing Panel may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer by the cross-examination of the witness either directly by the Member (or their representative) or through the Chair.

- (h) Presentation by Member. The Member (or their representative) will address only the issue of whether he/she has acted in breach of the Code of Conduct. The Member (or their representative) may introduce witnesses required to substantiate any matter contained in his/her written statement (where relevant). Members of the Hearing Panel and the Independent Person may question the Member and any witness on their evidence. The Hearing Panel may give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member (or their representative) by the cross-examination of the witness either directly by the Investigating Officer or through the Chair.
- (i) Where the hearing is dealing with an Investigating Officer's report and the Member seeks to dispute any matter in the report where he/she had not given notice of intention to dispute in his/her written statement, the Investigating Officer will draw this to the attention of the Hearing Panel. The Hearing Panel may then decide:
 - (i) not to admit such dispute but to proceed to a decision on the basis of the information contained in the report;
 - (ii) to admit the dispute, but invite the Investigating Officer to respond thereto, recalling any witness as necessary; or
 - (iii) to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information.
- (j) Members of the Hearing Panel have to satisfy themselves that they have sufficient information upon which to take that decision, and they may question the Investigating Officer, the Member concerned and any witnesses in order to obtain sufficient information to enable the Hearing Panel to come to a decision on the issue.
- (k) The Independent Person will be asked to provide their view about whether the Member has acted in breach of the Code of Conduct. The Independent Person may request an adjournment of the hearing if they require time to form their view before presenting it to the Hearing Panel.

- (l) The Hearing Panel will adjourn into another room with the Monitoring Officer, where it will consider in private session whether the Member has acted in breach of the Code of Conduct. At any stage in its consideration they may return to ask any further questions of the Investigating Officer or the Member, or seek legal advice.
- (m) At the conclusion of its consideration, the Hearing Panel will return and the Chair will advise the Investigating Officer and the Member or his/her representative of its decision as to whether the Member has acted in breach of the Code of Conduct, and the reasons for that decision.
- (n) If the Hearing Panel concludes that the Member has acted in breach of the Code of Conduct, it will then hear representations from the Investigating Officer and then the Member or his/her representative as to whether the Hearing Panel should take any action against the Member and what form any action should take. Members of the Panel may ask questions of the Investigating Officer, the Member and the Independent Person and seek legal advice in order to satisfy themselves that they have the information upon which to take a proper decision.
- (o) The Hearing Panel will then adjourn into another room together with the with the Monitoring Officer where they will consider in private session whether to take any action in respect of the Member and what form any such action should take.

Non-Co-operation

6.18 Where the Investigating Officer states that any Member or Officer of the Authority has failed to co-operate wholly or in part with the procedure, the Hearing Panel will consider whether to make a formal complaint to the Standards Committee or to the relevant authority, respectively, about such failure to co-operate.

Costs

6.19 Where the Investigating Officer secures the attendance of any person to give evidence to the Hearing Panel, the Authority will reimburse any reasonable costs which the person may incur in so attending.

Additional Evidence

6.20 A Hearing Panel may at any stage prior to the conclusion of the hearing adjourn the hearing and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Hearing Panel; but the Hearing Panel shall not adjourn the hearing on more than one occasion under these provisions.

Notice of Findings on Hearing Panel and Confidentiality of Information

Report to Standards Committee

6.21 As soon as reasonably practicable after the Hearing Panel has made its determination in respect of an allegation, the Monitoring Officer will give written notice of that determination and the reasons for such determination to:

- (a) the Member who is the subject of that determination;
- (b) the Investigating Officer;
- (c) the Standards Committee;
- (d) the Independent Person;
- (e) the Standards Committee of any other local authority of which the Member is, or was at the time of the alleged misconduct, a Member; and;
- (f) any person who made the allegation that gave rise to the investigation; and subject to paragraph 6.23 below, arrange for a summary of the finding to be published on the Council's website.

6.23 Where the Hearing Panel determines that there has not been a breach of the Code of Conduct:

- (a) the notice under paragraph 6.12 will state that the Hearing Panel found that the Member concerned had not failed to comply with the Code of Conduct of the and will give its reasons for reaching that finding; and
- (b) if the Member concerned so requests, the Monitoring Officer will not publish a summary of the finding in any local newspaper.

6.24 Where the Hearing Panel determines that there has been a failure to comply with 6.12 the notice will:

- (a) state that the Hearing Panel found that the Member concerned had failed to comply with Code of Conduct of this or another Council but that no action needs to be taken in respect of that failure;
- (b) specify the details of the failure;
- (c) give reasons for the decision reached by Hearing Panel; and

6.25 Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice under paragraph 6.21 will:

- (a) state that the Hearing Panel found that the Member concerned had failed to comply with the Code of Conduct of this or the Code of Conduct of another Council;

- (b) specify the details of the failure;
- (c) give reasons for the decision reached by the Hearing Panel;
- (d) specify the sanction imposed,

Confidentiality

6.26 No Member or Officer of the Authority shall disclose any information which he/she has obtained in the course of an investigation or in pursuance of this Procedure except in the circumstances set out below:

- (a) the disclosure is made for the purposes of enabling the Monitoring Officer or Investigating Officer to carry out his/her functions or the Hearing Panel to carry out its functions in relation to the matter;
- (b) the disclosure is made in connection with the investigation and consideration of an allegation of a breach of an authority's code of conduct;
- (c) the disclosure is made enabling a Standards Committee or sub-committee of a Standards Committee to perform any of its functions in connection with the investigation and consideration of an allegation of a breach of an authority's code of conduct;
- (d) the person to whom the information relates had consented to the disclosure;
- (e) the disclosure is made in pursuance of a statutory requirement for disclosure;
- (f) the information has previously been disclosed to the public with lawful authority;
- (g) the disclosure is for the purpose of criminal proceedings and the information in question was not obtained as a result of personal enquiries of the person subject to the criminal proceedings.

Public Access to hearing and documents

6.27 Hearings will be held in public where possible to make sure that the hearing process is open and fair.

Confidential information and 'exempt information'

6.28 There are two circumstances in which hearings (or parts of hearings) can or should be held in private.

- (a) A hearing must be held in private where this is necessary to prevent confidential information being revealed. Confidential information means

information that has been provided by a Government department under the condition that it must not be revealed, as well as information that cannot be revealed under any legislation or by a court order.

- (b) The law also gives the Hearing Panel the power to hold a private meeting to prevent 'exempt information' being revealed to the public. The categories of 'exempt information' are those set out in Schedule 12A to the Local Government Act 1972 (see Appendix 2). However, regulations also provide for three additional categories of 'exempt information' in relation to the Hearing Panel.
 - (i) Information which is subject to any obligation of confidentiality.
 - (ii) Information which relates in any way to matters concerning national security.

6.29 The rules about confidential information are different from the rules about 'exempt information'. Hearing Panels must hold some parts of a meeting in private where confidential information is likely to be revealed. However, they have the discretion to decide whether or not to exclude the public if 'exempt information' may be revealed.

Deciding to withhold 'exempt information'

6.30 The Hearing Panel will carefully consider any decision to withhold exempt information from the public. The Hearing Panel will follow Article 6 of the European Convention on Human Rights, as there is an obligation to do so under Section 6(1) of the Human Rights Act 1998. The Hearing Panel has a duty to act fairly and in line with the rules of natural justice.

6.31 Article 6 favours public hearings, except in specific circumstances, for example, in the interests of national security or to protect the private lives of everyone involved.

6.32 If the Hearing Panel decides to exclude the public to prevent 'exempt information' being revealed, it will only exclude the public for part of the proceedings. For example, if a witness' evidence is likely to reveal 'exempt information', the public will only have to be excluded while that witness is giving evidence.

6.33 If evidence is heard in private, the Chair of the Hearing Panel will warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing. The Hearing Panel may also need to use appropriate initials to protect the identity of witnesses during the hearing and in any public documentation.

Access to documents

6.34 As a general principle, the agenda and reports to be discussed at a Hearing Panel will be available to the public before and during a hearing. The Investigating Officer's report will be one of the reports before the Hearing Panel.

6.35 However, the Head of Legal and Democratic Services has the power to prevent any part of a report being made public if it relates to a part of the meeting which, in his or her opinion, is likely to be held in private.

6.36 After a hearing, sections of the Hearing Panel's reports, which relate to parts of the hearing held in private, will not have to be made available for public inspection. The same principle applies to the minutes of any hearing.

6.37 When considering whether or not to exclude the public from a hearing, the Hearing Panel will also need to say which parts of the reports before the hearing are not to be made available for public inspection.

6.38 Copies of the agenda, reports and minutes of a hearing, as well as any background papers, will be available for public inspection for a specific period of up to six years after that hearing has taken place.

Exclusion of Press and Public

Issues for Consideration

6.39 At the meeting, the Hearing Panel will consider as a preliminary point whether to exclude the press and public from the meeting, or any part of the meeting.

6.40 The Hearing Panel must act in accordance with Article 6 of the European Convention on Human Rights, which gives a right to a fair and public hearing by an independent and impartial tribunal. Article 6 provides that judgement shall be pronounced publicly, but that the press and public may be excluded from all or part of the "trial" in the interests of:

- (a) Morals
- (b) public order
- (c) national security in a democratic society
- (d) where the interests of juveniles or the protection of the private life of the parties so require or
- (e) in special circumstances where publicity would prejudice the interests of justice.

Accordingly, the presumption is in favour of a public hearing unless either the Member or Investigating Officer can demonstrate over-riding reasons within one of the five headings above for the press and public to be excluded.

6.41 Article 8 of the European Convention on Human Rights provides that everyone has the right to respect for their private and family life, home and correspondence. It provides that there shall be no interference by a public authority (such as the Hearing Panel) with the exercise of this right except such as is:

- (a) in accordance with the law (such as the requirements for publication of the agenda, reports and background papers set out in Section 100A to 100K of the Local Government Act 1972), and
- (b) necessary in a democratic society in the interests of:
 - (i) national security
 - (ii) public safety
 - (iii) the economic well-being of the country
 - (iv) the prevention of crime or disorder
 - (v) the protection of health and morals (which would include the protection of standards of conduct in public life) or
 - (vi) the protection of the rights and freedoms of others.

There is a clear public interest in promoting the probity of public authorities and public confidence, so that the presumption of a public hearing set out in Article 6 would appear to come within the exception set out in paragraph (b)(v) above, unless either the Investigating Officer or the Member demonstrates to the Hearing Panel's satisfaction that a public hearing is not necessary for that purpose and that the interest of protecting the privacy of the Member or of the should over-ride that public interest.

6.42 Where the Hearing Panel concludes that the interest of protecting the privacy of the Member or of the Authority should over-ride the public interest in a public hearing, the Hearing Panel remains bound by the provisions of the Local Government Act 1972, as primary legislation, so that it may only exclude press and public from all or part of the meeting if it is satisfied that admitting the press and public would be likely to lead to disclosure of exempt information. In that case, the Hearing Panel has a discretion under Section 100A(4) of the Local Government Act 1972, and would need to resolve whether or not to exclude the press and public.

6.43 Where the Hearing Panel does not resolve to exclude the press and public from the meeting, the Head of Legal and Democratic Services will then be required to provide copies of the agenda and reports to the press and public and other members of the Authority, and to permit inspection of any background papers.

Sanctions available to the Hearing Panel

A Sanctions available in respect of a Member who has ceased to be a Member at the date of the Hearing Panel

1 Censure of the Member

B Sanctions available in respect of a Member who remains a Member at the date of the Hearing Panel

Any one, or a combination, of the following:

1 Censure of the Member;

2 Recommending to Full Council, or to the Town or Parish Council that the Member be removed from any or all Committees or Sub-Committees;

3 Recommending to Full Council, or to the Town or Parish Council, that the Member be removed from all outside appointments to which s/he has been appointed or nominated by the authority

4 Recommending to Full Council, or to the Town or Parish Council, that the Member's access and use of resources of the Authority be restricted for a maximum period of six months, provided that any such restrictions imposed upon the Member –

(a) are reasonable and proportionate to the nature of the breach;
and

(b) do not unduly restrict the Member's ability to perform his functions and duties as a Member;

5 A requirement that the Member submit a written apology.

6 A requirement that that Member undertake training as specified by the Hearing Panel.

7 A requirement that that Member undertake conciliation as specified by the Hearing Panel.

7. Habitual or Vexatious Complaints

- 7.1 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.
- 7.2 In this policy habitual means done repeatedly or as a habit. Vexatious means a complaint brought for the purpose of annoying another person and with no reasonable prospect of success.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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 complaints

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:

- i. Persist in pursuing a complaint where the local assessment process has been fully and properly implemented and exhausted.
- ii. 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.)
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.

- ix. 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.
- x. 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.
- xi. 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
- xii. 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 complaints

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.

- i. 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.
- ii. 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.
- iii. 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.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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DECISION NOTICE:

REFER TO STANDARDS COMMITTEE

Complaint Reference – 514139036

1. On 16 May 2023, the Governance Lawyer considered a complaint submitted by Spennymoor Town Councillor Rachael Riches about a comment posted by Cllr Pete Molloy on Facebook. Cllr Molloy is an Elected Member of both Durham County Council and Spennymoor Town Council.
2. The system of regulation of councillor conduct in England is governed by the Localism Act 2011. Local authorities are under a duty to promote and maintain high standards of conduct by their elected members and co-opted members. Every local authority must have a code of conduct for its members, which must be consistent with the 'Seven Principles of Public Life', selflessness, honesty, integrity, objectivity, accountability, openness, and leadership. The code of conduct must also make provision for the registration and disclosure of pecuniary and other interests.
3. Local authorities, other than a parish council, must also have in place arrangements under which allegations that a member has failed to comply with the authority's code of conduct can be investigated and decisions on allegations can be made. As part of those arrangements, they must also appoint at least one Independent Person whose views must be sought and taken into account before making a decision on an allegation that it has decided to investigate.
4. Durham County Council and Spennymoor Town Council have each adopted a Code of Conduct for their Members, which are available for inspection on their respective websites and on request from the Monitoring Officer.
5. Durham County Council has also adopted and published a procedure for how allegations that one or more of its members, or members of a parish council in respect of which the County Council is the Principal Authority, has failed to comply with the relevant council's Code of Conduct for Members can be investigated and decisions on allegations can be made.
6. This complaint was assessed in accordance with Durham County Council's Procedure for Local Assessment of Member Code of Conduct Complaints ("the Procedure").
7. The Procedure requires the Monitoring Officer to ensure that all Code of Conduct complaints are assessed as soon as reasonably possible, and normally within 20 working days. The Monitoring Officer, in consultation

with the Independent Person where appropriate, will ensure that the complaint is considered and decide if any action should be taken on it.

8. The Monitoring Officer has delegated responsibility for the initial assessment of Code of Conduct Complaints to the Governance Lawyer.
9. Following initial assessment of the complaint, there are four possible outcomes:
 - (a) That no action should be taken in respect of the complaint;
 - (b) To seek local resolution;
 - (c) To refer the complaint for investigation;
 - (d) To refer the complaint to the Standards Committee.
10. This decision notice is produced to record the decision taken following initial assessment and includes the main points considered, the conclusion and the reasons for that conclusion. It will be available for inspection at the offices of Durham County Council for 6 years beginning with the date of the decision.

The Complaint

11. A copy of the complaint appears in **Appendix 1** to this Decision Notice.
12. The complaint arose from a post made by Cllr Molloy in a Facebook Group known as “Spennymoor What’s Happening Politically”, which was subsequently shared on other social media and reported upon in mainstream media.
13. The complaint alleges that:

“Pete Molloy has continued to air wholly unacceptable and racist views in a public forum on the Spennymoor What’s Happening Politically Facebook page. Whilst it was shared from his personal page it cannot be separated from his identity as a councillor.”

14. Cllr Molloy’s Facebook post purported to be in response to an article published in the Daily Mail online under the headline “*Bridgerton Star Adjoa Andoh stuns ITV*”, which referred to a comment made by Adjoa Andoh that the balcony of Buckingham Palace on the occasion of HM King Charles III’s Coronation was “*terribly white*”.
15. Cllr Molloy’s post to the “Spennymoor What’s Happening Politically” Facebook group read as follows: ¹

“I don’t care if this post offends anyone, because enough is enough now and it’s about time more and more people grew a

¹ A screenshot of the original post appears in Appendix 3, Image 1.

pair and speak their minds and stopped being the silent majority and become the vocal majority!

Another non-indigenous British person with not just a chip, but a whole sack of King Eddie potatoes on their shoulder.

Britain is a white man's country, just as Nigeria is a black man's country, India is a brown man's country and China is the yellow man's country, so it is not down to the indigenous British people in their own homeland to assimilate with non-indigenous British people who live here. The duty is on those non-indigenous British people to assimilate, as best as possible, into the culture and society of the indigenous British people. The same goes for every other country in the world that have non-indigenous people living there too, their duty is not to try and change the ways of those countries, but to assimilate into those countries societies.

I don't care if you are either an indigenous or non-indigenous British person, so if you dislike or hate the history, heritage, culture, religion, governance etc. of Great Britain, please feel free to make your way to any of the many air or sea ports and leave, because you don't have to live here!"

Relevant Provisions of the Codes of Conduct

16. The allegations made by the Complainant potentially engage the following provisions of the Codes of Conduct of both Durham County Council and Spennymoor Town Council:
- *Behave in accordance with all legal obligations;*
 - *Always treat people with respect;*
 - *Not bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public.*

Response to the Complaint

17. A copy of Cllr Molloy's response to the complaint appears in **Appendix 2** to this Decision Notice.
18. He accepts posting the comment subject of this complaint on Facebook.
19. He maintains that the Complainant's opinion, that the comment was unacceptable, is a subjective one, and states that he did not make any racist remarks.

20. He considers the complaint to be politically motivated, noting that the Complainant is a member of the Labour Party, whereas he is an Independent.
21. Cllr Molloy does not believe that he has breached the Code of Conduct for Members on the grounds that the original Facebook post was made in his personal capacity, using his personal Facebook profile, and not using his “*Councillor Pete Molloy*” profile, and that it did not reference the fact that he is a councillor.
22. Following notification that a complaint had been made against him, Cllr Molloy re-posted his original Facebook post on his “*Councillor Pete Molloy*” under the following comment:²

“Some of you will be aware of a complaint that has been made against me, which I believe is politically motivated, for a post I place on the Spennymoor What’s Happening Politically group in my capacity as an individual person using my personal profile page and not as a Councillor using my Councillor profile page, in relation to the ‘terribly white’ comment made by the actress, Adjoa Andoh towards the Royal Family.

This complaint has been picked up by the BBC
<https://www.bbc.co.uk/news/articles/c0311z506lpo> and the
Northern Echo
<https://www.thenorthernecho.co.uk/news/23510447.durham-council-probe-social-media-post-spennymoors-pete-molloy/>

I can confirm that I have sent in to DCC my response to the complaint. I would like to thank everyone who have sent messages of support, both publicly and privately, and I would like to reassure you that I will not be resigning from either the Town Council or the County Council.”

23. Finally, in responding to the complaint, Cllr Molloy has drawn the Governance Lawyer’s attention to a number of supportive comments³ that the above post has received, which he considers as providing political balance to the more negative comments that his original Facebook post attracted when shared on Twitter.

Decision

24. The Governance Lawyer recommends that this complaint be referred to the Standards Committee for hearing.

² Appendix 3, Image 2.

³ See Appendix 2.

Reasons for decision

25. Cllr Molloy has the right of freedom of expression, which is protected under Article 10 of the European Convention on Human Rights. This right includes the freedom to hold and express opinions and thus protects the right to criticise, speculate and make value judgments. Statements on political issues or other matters of general interest attract enhanced protection under the law, meaning that there are relatively few limits which can be imposed on “political speech”. As a result, even statements which offend, shock or disturb may be protected by the law.
26. However, freedom of expression is not an absolute right, which means that speech which spreads, incites, promotes or justifies violence, hatred or intolerance may be lawfully restricted.
27. In practice, it can be very difficult to draw a distinction between lawful and unlawful speech and there is a need to carefully balance the rights of individuals to express points of view which others may find insulting or offensive against the rights of others to be protected from hatred and discrimination.
28. Cllr Molloy has argued that the Facebook post subject of this complaint was made in his private rather than official capacity and is not therefore subject to the Code of Conduct.
29. There is no legal definition of “official capacity”. The Code potentially regulates conduct on social media: the question is whether, in publishing this post, Cllr Molloy was acting, claiming to act or giving the impression he was acting as a representative of the Council.
30. The Committee on Standards in Public Life considered the issue of official capacity and social media in its report, [Ethical Standards in Local Government](#). In its report, the Committee cited guidance on this issue from the Public Services Ombudsman for Wales, which states:

“If you refer to yourself as councillor, the code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute ...”

31. The Committee endorsed this approach and set out the following guidance:

“The widespread use of social media presents a particular challenge to determining whether a code of conduct applies to instances of behaviour. In line with the guidance provided in

Wales, it is clear to us that when a social media account identifies the individual as a councillor or an individual makes comments related to their role as a councillor, then the code of conduct applies. This would be the case even if the individual posts a 'disclaimer' to suggest that the account is a personal one.

However, a number of recent cases also suggest to us that high standards are expected of public office holders in their use of social media, even when this purports to be in a personal capacity. What is relevant is not just whether an individual is acting in an official capacity or a personal capacity, but also whether the behaviour itself is in public or in private. Restrictions on what an individual may do or say in public are different in kind from restrictions on an individual's private life.

There is a need to balance the rights and responsibilities of democratic representatives. The sort of public behaviour that is relevant to a public office and its code of conduct therefore depends on the scope and nature of the public role in question: the requirements for civil servants will rightly be different to the requirements for teachers, for example. Roles representing the public, such as MPs or councillors, have particular privileges that need to be protected, but also need to acknowledge a greater responsibility, given the scope and public visibility of the role.

Inevitably, councillors carry their council 'label' to some extent in their public behaviour. What counts as relevant public behaviour for the purpose of the councillor code of conduct should therefore be drawn more broadly.

An individual's private life – that is, private behaviour in a personal capacity – should rightly remain out of scope. This includes, for example, what is said in private conversations (where those conversations are not in an official capacity), private disputes and personal relationships. But those in high-profile representative roles, including councillors, should consider that their behaviour in public is rightly under public scrutiny and should adhere to the Seven Principles of Public Life. This includes any comments or statements in print, and those made whilst speaking in public or on publicly accessible social media sites.”

32. It may reasonably be inferred that Cllr Molloy is aware of the foregoing, given that it is taken from the Investigation Report of an independent barrister into a previous complaint against Cllr Molloy, which was heard by a [Standards Committee Hearing Panel](#) in November 2021, relating to comments posted by Cllr Molloy on Facebook which were deemed Islamophobic.

33. Cllr Molloy operates two separate accounts on Facebook.
34. The first is "[Councillor Pete Molloy](#)" in which he describes himself as a "*Town Councillor for the Spennymoor Ward and County Councillor for the Spennymoor Division*".⁴ All of his activity on this page would be subject to the Code of Conduct.
35. The second is "[Pete Molloy](#)".⁵ The content of this page is, for the most part, unrelated to Cllr Molloy's role as a member of Spennymoor Town Council and Durham County Council. However, there are a number of occasions when Cllr Molloy has re-posted material from his "Councillor Pete Molloy" Facebook page and, in doing so, identified himself as a councillor. These include posts published on 29 January 2022, 2 February 2022, 3 February 2022, 5 February 2022, 6 February 2022, 10 February 2022 and 17 February 2022, which remain visible on his timeline at the time of writing.⁶
36. Copies of relevant extracts from Cllr Molloy's two Facebook profiles appear in **Appendix 3** to this Decision Notice.
37. The post subject of this complaint does not, at the time of writing, appear on the "Pete Molloy" Facebook page but has been re-posted on the "Councillor Pete Molloy" Facebook page.⁷ Nevertheless, the name and profile picture indicate that it was originally posted using the "Pete Molloy" account.
38. The "[Spennymoor What's Happening Politically](#)" Facebook group is described as being "*Local elections political group for mainly Local issues for people of any Political persuasion to air their views or discrepancies*". It is a private Facebook group, meaning that only members who are in the group can see who is in the group and what they post. The group has 673 members at the time of writing.⁸
39. Cllr Molloy's Facebook post was shared on [Twitter](#) and has since been reported by traditional media including [the BBC](#), [ITV News](#) and [The Northern Echo](#).
40. On balance, I consider that a Standards Committee Hearing Panel would be entitled to conclude that the Facebook post subject of this complaint was made both in public and in Cllr Molloy's official capacity:
 - (a) "Spennymoor What's Happening Politically" is a private Facebook group. Nevertheless, it has 673 members who have expressed an interest in local politics and who might reasonably be assumed to know that "Pete Molloy" is a local councillor;

⁴ Appendix 3, Image 3.

⁵ Appendix 3, Image 4.

⁶ Appendix 3, Images 5 – 12.

⁷ Appendix 3, Image 2.

⁸ Appendix 3, Image 13.

- (b) the “Pete Molloy” Facebook page is publicly accessible to any Facebook user and therefore Cllr Molloy’s activity on it does not take place in private. As the Committee on Standards in Public Life observed:

“... those in high-profile representative roles, including councillors, should consider that their behaviour in public is rightly under public scrutiny and should adhere to the Seven Principles of Public Life. This includes any comments or statements in print, and those made whilst speaking in public or on publicly accessible social media sites.”

- (c) Cllr Molloy has identified himself as a councillor on the “Pete Molloy” Facebook page and shared content from his “Councillor Pete Molloy” page in posts which remain publicly accessible on his timeline;
- (d) the “Councillor Pete Molloy” page is also publicly accessible to any Facebook user and clearly identifies Cllr Molloy as a Town and County Councillor. As the Committee on Standards in Public Life observed:

“... it is clear to us that when a social media account identifies the individual as a councillor or an individual makes comments related to their role as a councillor, then the code of conduct applies. This would be the case even if the individual posts a ‘disclaimer’ to suggest that the account is a personal one.”

- (e) Cllr Molloy has shared the post subject of this complaint on his “Councillor Pete Molloy” page and expressly commented upon it.

41. Therefore, I consider that a Standards Committee Hearing Panel would be entitled to conclude that the Facebook post subject of this complaint falls within the scope of the Code of Conduct for Members.
42. I do not consider that this post is protected under Article 10 of the European Convention on Human Rights. The post expresses a general attack on persons living in the United Kingdom who do not “*assimilate*” themselves with what Cllr Molloy considers to be British culture and society.
43. Article 17 of the ECHR prevents Convention Rights (such as Article 10) from being relied on to “*engage in any activity or perform any act aimed at the destruction of the rights and freedoms*” of others. The rights to respect for private and family life, and to freedom of thought, conscience and religion are also protected by the Convention.
44. Furthermore, race and religion are protected characteristics under the Equality Act 2010 and discrimination, because of a protected characteristic, is prohibited under the Act.

45. As the European Court of Human Rights found in the case of *Norwood v United Kingdom* (2005) 40 EHRR SE11, statements which are “*incompatible with ... tolerance, social peace and non-discrimination*” are not protected by law.
46. In my opinion, Cllr Molloy’s post was not a legitimate exercise of the right of freedom of expression and can, in principle, be subject to sanction under the Code of Conduct for Members.
47. It is also my opinion that a Standards Committee Hearing Panel may reasonably conclude that comments such as “*Britain is a white man’s country*” are racist in nature and, if found to have been published in Cllr Molloy’s official capacity, are capable of amounting to a breach of one or more of the following paragraphs of the Code of Conduct for Members:
- 4.3 (h) Behave in accordance with all legal obligations;
 - 4.3 (j) Always treat people with respect;
 - 4.3 (n) Not bring the role of Member or the local authority into disrepute.
48. In light of the striking similarity between the subject matter of the present complaint and that of complaint reference [COM 364](#), previously considered by a Standards Committee Hearing Panel⁹, I do not consider it to be either necessary, or a proportionate use of Council resources, to recommend that a further independent investigation be commissioned. The salient law is set out in the previous Investigation Report and remains unchanged.
49. The central issues for a Standards Committee Hearing Panel to consider will be: (1) whether Cllr Molloy was acting in his capacity as a councillor when the comments subject of this complaint were made; and, if so, (2) whether the comments made breach the Code of Conduct for Members.
50. Cllr Molloy was provided with a copy of this decision notice in draft and given an opportunity to comment on its contents. His comments have been taken into account in making the recommendation set out above.

Cllr Molloy’s Comments on Draft Decision Notice

51. Cllr Molloy was invited to comment on a draft copy of this decision notice. In response, he stated that he had, prior to receipt of the draft decision notice, been unaware that the posts which identify him as a councillor on his ‘Pete Molloy’ Facebook page¹⁰, were visible on his publicly accessible timeline. He has since adjusted his privacy settings so that they are no longer publicly accessible. He has also removed the post subject of this complaint from his ‘Councillor Pete Molloy’ Facebook page.

⁹ On that occasion, sanctions were imposed which included, amongst other matters, training on the Code of Conduct and Equality and Diversity.

¹⁰ Appendix 3, Images 4 – 12.

Views of the Independent Person

52. As part of the arrangements that Durham County Council has in place for investigating allegations of failure to comply with the Code of Conduct for Members, and for making decisions on allegations that it has decided to investigate, an Independent Person has been appointed under section 28(7) of the Localism Act 2011:

- “(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and*
- (b) whose views may be sought—*
- (i) by the authority in relation to an allegation in circumstances not within paragraph (a),*
 - (ii) by a member, or co-opted member, of the authority if that person’s behaviour is the subject of an allegation, and*
 - (iii) by a member, or co-opted member, of a parish council if that person’s behaviour is the subject of an allegation and the authority is the parish council’s principal authority.”*

53. The Governance Lawyer has consulted the Independent Person in respect of the recommendation set out in this Decision Notice. The Subject Member has also consulted the Independent Person.

54. The Independent Person’s views were as follows:

“I have read through the complaint, evidence and response from Cllr Molloy and I fully endorse the action that you propose.

It appears to me that the two Facebook profiles are intertwined and Cllr Molloy has brought himself within the ambit of the code of conduct.

I felt that the post was discriminatory in nature and, in my opinion, Cllr Molloy has breached the code of conduct.”

Right of Appeal

55. There is no right of appeal against this decision.

Terms of reference

- [Part I Chapter 7 of the Localism Act 2011](#)
- [Code of Conduct for Members of Durham County Council](#)
- [Code of Conduct for Members of Spennymoor Town Council](#)
- [Procedure for Local Assessment of Member Code of Conduct Complaints](#)
- [Local Determination Procedure](#)

Jayne La Grua
Governance Lawyer

Date: 25 May 2023

Alleged Breach of Members' Code of Conduct - Complaint received

Reference: FS-Case-514139036

Is the person you are complaining about currently a councillor?: Yes

Are you happy for your information to be shared with the councillor/s mentioned within this complaint?: Yes - I understand and agree that my name and details of this complaint will be shared.

Title: Cllr

First name: Rachael

Last name: Riches

Who are you complaining as?: An elected or co-opted member of an authority

Please provide the name of the councillor(s) you believe have breached the Code of Conduct and the name of the authority of which they are a councillor:

Title	First name	Last name	Council or authority name
Cllr	Pete	Molloy	Spennymoor Town Council/Durham County Council

What date did the incident occur?: 2023-05-08

What time did the incident occur?:

Were there any witnesses present?: No

Does your complaint relate to a live broadcast?: No

Please explain below what the councillor has done which you believe breaches the Code of Conduct: Pete Molloy has continued to air wholly unacceptable and racist views in a public forum on the Spennymoor What's Happening Politically Facebook page. Whilst it was shared from his personal page it cannot be separated from his identity as a councillor. Text is in the screenshot attached.

Do you have any supporting evidence which you wish to upload in relation to your complaint which could be used as evidence?: Yes

Upload file(s): 281F3893-CD81-40DD-A240-1428FC081E8E.jpeg



Log in

Use app



Spennymoor What's Happening Politically.



Pete Molloy · 5 h · 📍

I don't care if this post offends anyone, because enough is enough now and it's about time more and more people grew a pair and speak their minds and stopped being the silent majority and become the vocal majority!

Another non-indigenous British person with not just a chip, but a whole sack of King Eddie potatoes on their shoulder.

Britain is a white man's country, just as Nigeria is a black man's country, India is a brown man's country and China is the yellow man's country, so it is not down to the indigenous British people in their own homeland to assimilate with non-indigenous British people who live here. The duty is on those non-indigenous British people to assimilate, as best as possible, into the culture and society of the indigenous British people. The same goes for every other country in the world that have non-indigenous people living there too, their duty is not to try and change the ways of those countries, but to assimilate into those countries societies.

I don't care if you are either an indigenous or non-indigenous British person, so if you dislike or hate the history, heritage, culture, religion, governance etc. of Great Britain, please feel free to make your way to any of the many air or sea ports and leave, because you don't have to live here!



Bridgerton star Adjoa Andoh stuns ITV



APPENDIX 2: COMPLAINT RESPONSE

From: Jayne La Grua
Sent: Tuesday, May 9, 2023 5:00 pm
To: Cllr Pete Molloy
Subject: CONFIDENTIAL: Complaint

Dear Cllr Molloy,

I write to inform you that a complaint has been received about you under the Members' Code of Conduct. A copy of the complaint appears at the foot of this email. It refers to a comment that I understand was made by you on Facebook, in a Facebook group known as 'Spennymoor What's Happening Politically', and which has subsequently been shared on Twitter at [timdredge1 on Twitter: "This fella is a councillor in a Nth-East local authority. https://t.co/ZLYvxmV2QH" / Twitter](https://t.co/ZLYvxmV2QH). A screenshot is also attached.

The Complaint potentially engages the following provisions of the Code of Conduct for Members:

- Behave in accordance with all legal obligations (in particular, the Public Sector Equality Duty)
- Always treat people with respect
- Not bring the Council into disrepute.

Accordingly, the complaint will be assessed in accordance with the Local Procedure for Assessment of Member Code of Conduct Complaints, a copy of which is attached.

To assist me assessing the complaint, could you please provide your response by no later than **16 May 2023**.

It would also assist me if you could comment upon whether the post, which appears political in nature, was intended to be made in your personal or public capacity.

Yours sincerely,

Jayne La Grua
Governance Lawyer

Legal and Democratic Services
Durham County Council

From: Cllr Pete Molloy
Sent: 09 May 2023 20:54
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Complaint

Dear Ms La Grua,

Thank you for email to inform me that a complaint has been made against me for a potential breach of the Members' Code of Conduct in relation to a Facebook post.

With regards to what Councillor Rachael Riches saying that my remarks were 'wholly unacceptable', that is a subjective opinion and with regards to them being 'racist', I did not make any 'racist' remarks.

I don't believe I have breached the Members' Code of Conduct, because the post I placed on the Spennymoor What's Happening Politically group was done in a personal capacity using my personal profile page, which separate from my 'Councillor Pete Molloy' page, and I did not make any reference to being a Councillor or either Durham County Councillor or Spennymoor Town Council on the post, so the Members Conduct of Conduct does not apply.

Yours sincerely,

Councillor Pete Molloy

From: Jayne La Grua
Sent: Tuesday, May 9, 2023 9:04:43 PM
To: Cllr Pete Molloy
Subject: RE: CONFIDENTIAL: Complaint

Dear Cllr Molloy,

Thank you for replying to me so promptly. I will revert to you shortly with notice of my decision at the assessment stage of the complaints procedure.

Yours sincerely,

Jayne La Grua
Governance Lawyer

Legal and Democratic Services
Durham County Council

From: Cllr Pete Molloy
Sent: 10 May 2023 08:20
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Complaint

Dear Ms La Grua,

Thank you for acknowledging receiving my email.

I would like to add that I do feel that Cllr's Riches complaint is politically motivated with her being a member of the Labour Party and on a couple of occasions during Spennymoor Town Council meetings in the past, I have had to raise complaints to the Chair on how Cllr Riches has not only spoke to myself, but other Independents too.

I am not on Twitter, but looking at the contributors in the link you provided, they all seem to be of the political persuasion as Cllr Riches and one of the contributors is Labour's Parliamentary Candidate for Bishop Auckland, Sam Rushworth, and going onto some of the Twitter accounts of those contributors, I have noticed some anti-monarchy posts. Therefore, that particular Twitter post and its contributors cannot be classed as impartial opinions, but politically motivated opinions.

If you feel there is a need for me to come in and speak with you face to face, I am more than happy to do so.

Yours sincerely,

Cllr Pete Molloy

From: Jayne La Grua
Sent: Wednesday, May 10, 2023 8:23:14 AM
To: Cllr Pete Molloy
Subject: RE: CONFIDENTIAL: Complaint

Dear Cllr Molloy,

I acknowledge, and take account of, your further comments.

I do not need to speak to you for the purposes of my initial assessment of the complaint, but thank you for the offer.

I expect to finalise my decision notice later today and will revert to you with my assessment.

Yours sincerely,

Jayne La Grua
Governance Lawyer

From: Cllr Pete Molloy
Sent: 10 May 2023 08:41
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Complaint

Dear Ms La Grua,

Thank you for taking into account my additional commitments and confirming that there is no need for a face to face meeting at this stage.

Yours sincerely,

Cllr Pete Molloy

From: Cllr Pete Molloy
Sent: 12 May 2023 08:07
To: Jayne La Grua
Subject: Fwd: Supportive comments

Dear Ma La Grua,

I don't know if you are still deliberating on the complaint made against me, so I thought I would send you an example of the supportive comments left on my Councillor Facebook page and private messages I have received. With regards to the latter, I have removed the names and profile image, so not to be identified.

There are many more supportive comments on my personal profile Facebook page, and the Facebook groups 'Spennymoor What's Happening' and 'Spennymoor What's Happening Politically'.

I also received a phone call yesterday, from a constituent of mine, after they had just read the Northern Echo article, to tell me not to resign and that they supported what I said.

I thought I would make you aware of the above as to balance with the link to the Twitter account you sent.

Yours sincerely,

Cllr Pete Molloy

WED AT 08:20

I see they're having a go at you again !
Don't give in.

WED AT 09:05

They always will, but they won't be
getting my resignation!

WED AT 09:55

Good. There's 3 of you that get out
and do things, and the rest just sit and
backbite. Its them who should resign
as they are not doing what they are
paid to do !

Totally agree 👍

on Wed Like Reply More

Good for you Pete I totally agree with you , everything has to be about racism against white people

on Wed Like Reply More

Good on you Pete, stick to your guns...

on Wed Like Reply More

Wouldn't the Zulu royal family be terribly black

on Wed Like Reply More

exactly! This is the BRITISH royal family, they would be incredibly white!



on Wed Like Reply More



Write a reply...

Reply



You are 100% correct and reflect the views of many UK citizens. As for Labour complaining - flip flopping Starmer supported the abolishment of the Royal Family. The irony.



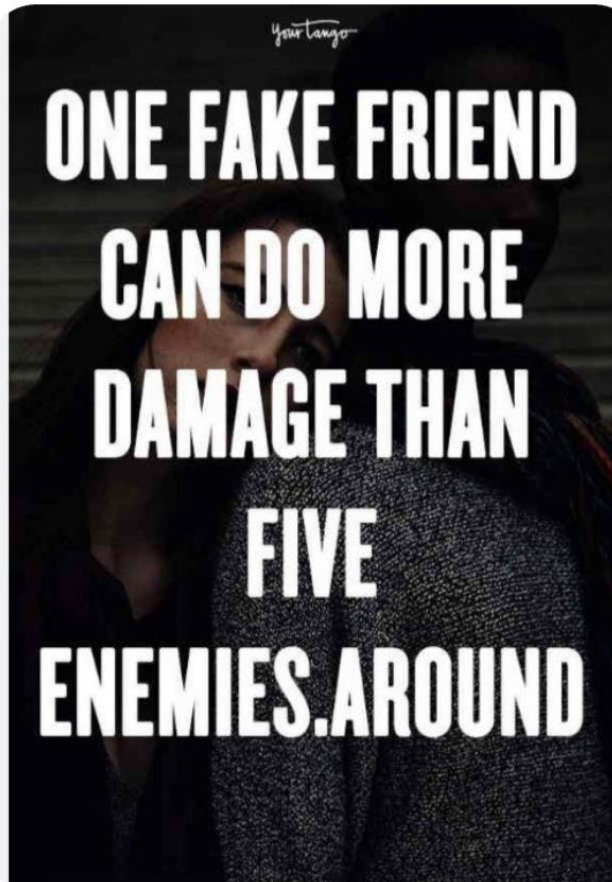
on Wed Like Reply More

Well said mate. Even black people have said her comment was stupid and or racist.



on Wed Like Reply More

WED AT 15:17



I hope you are ok Pete - whatever happens do not resign. I have no doubt that you would be re-elected but I think they would field as many candidates as they could muster to split the vote.

No worries about resigning over this [REDACTED] 🤣🤣

GOOD 👍


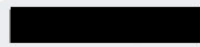


Bridgerton star Adjoa Andoh stuns ITV presenters by calling the Buckingham Palace balcony 'terribly white' during live Coronation coverage

Boost unavailable


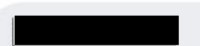
   and 10 others

7 shares

 
I fail to understand why the actress Adjoa Andoh has not been subjected to an investigation for racism given what she said on National TV. Imagine if a white man had wondered why a black family were "terribly black"! Yet here we have you making a response to her remarks and it seems you're the baddie. Obviously don't resign, the mere suggestion that you should is ridiculous.

 1

on Wed Like Reply More

 
Good for you Pete I totally agree with you , everything has to be about racism against white people

on Wed Like Reply More



Councillor Pete Molloy

10 May at 10:20 · 🌐



Some of you will be aware of a complaint that has been made against me, which I believe is politically motivated, for a post I placed on the Spennymoor What's Happening Politically group in my capacity as an individual person using my personal profile page and not as a Councillor using my Councillor profile page, in relation to the 'terribly white' comment made by the actress, Adjoa Andoh towards the Royal Family.

This complaint has been picked up by the BBC

<https://www.bbc.co.uk/news/articles/c0311z506lpo> and the Northern Echo

<https://www.thenorthernecho.co.uk/news/23510447.durham-council-probe-social-media-post-spennymoors-pete-molloy/>

I can confirm that I have sent in to DCC my response to the complaint. I would like to thank everyone who have sent messages of support, both publicly and privately, and I would like to reassure you that I will not be resigning from either the Town Council or the County Council.



Pete Molloy

1 d · 🌐



I don't care if this post offends anyone, because enough is enough now and it's about time more and more people grew a pair and speak their minds and stopped being the silent majority and become the vocal majority!

Another non-indigenous British person with... See more



From: Jayne La Grua
Sent: Wednesday, May 17, 2023 1:07:15 PM
To: Cllr Pete Molloy
Cc: Lucy Gladders
Subject: CONFIDENTIAL: Draft Decision Notice

Dear Cllr Molloy,

Thank you for taking the time to speak to me yesterday.

Firstly, I acknowledge receipt of the attached screenshots of the post made on your 'Councillor Pete Molloy' Facebook page, in which you have shared a copy of the original post subject of the complaint made against you, together with a comment to the effect that the original post had been made in your personal capacity. I also acknowledge receipt of the screenshots of comments of support that you have received, both on your 'Councillor Pete Molloy' Facebook page and elsewhere.

During our telephone conversation yesterday, I suggested that you remove the above-mentioned post from your 'Councillor Pete Molloy' Facebook page if it is your position that it was made in your personal capacity. I can see that you have now done that.

I also said that, if you would like to consult with the Independent Person, I would make those arrangements for you.

As I think you are aware, the Council has appointed an Independent Person whose views may be sought both by the Council and by any Member whose behaviour is the subject of an allegation under the Members' Code of Conduct. That consultation would generally take place by telephone.

If you would like to arrange a telephone call with the Independent Person, please could you contact Lucy Gladders in Democratic Services (she is copied into this email) and provide her with your availability on Thursday and Friday of this week (18 and 19 May 2023) and Monday and Tuesday of next week (22 and 23 May 2023). I anticipate that you will need to set aside an hour. Lucy will then contact the Independent Person for her availability and find a date and time which is convenient for you both. Prior to your consultation, the Independent Person will be provided with a copy of the complaint and your response, so that she may familiarise herself with the issues.

Please note that the Independent Person is not legally qualified. She is able to discuss the complaint with you, and give you her views on it, but she cannot advise you on law or procedure. If you have any questions about law or procedure arising from your consultation with the Independent Person, or otherwise, you are welcome to raise them with me and I will endeavour to assist you if I am able to. If I am not able to assist you, I will try to signpost you to most appropriate source of information and/or advice.

Finally, I attach a copy of my **draft decision notice**.

As I explained on the telephone, I will be recommending referral of this complaint to the Standards Committee. I do not, at this stage, propose to refer the matter for further investigation. The reasons for that are that: (1) the subject-matter of the complaint is contained in a single Facebook post, a copy of which is already available; (2) you have previously been the subject of an investigation relating to Facebook posts made using your "Pete Molloy" profile, and the law is unchanged since the investigation into that matter; (3) the issues for a Hearing Panel to determine are factual, i.e. were you acting in your official capacity and, if so, did the comments made in your Facebook post breach the Code of Conduct for Members?

I appreciate that you will be disappointed with a decision to refer the complaint to the Standards Committee.

Once you have had an opportunity to consider my decision notice, if you believe that further investigation is necessary, I will of course consider any representations you make on the matter.

Similarly, if you believe that there any factual errors or omissions in the draft decision notice, you are invited to please let me know so that these can be addressed before the notice is finalised.

I look forward to hearing from you.

Yours sincerely,

Jayne La Grua
Governance Lawyer

Legal and Democratic Services
Durham County Council

From: Cllr Pete Molloy
Sent: 17 May 2023 22:39
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Draft Decision Notice

Dear Ms La Grua,

Thank you for sending me over the draft decision notice.

In your email to me you state:

"During our telephone conversation yesterday, I suggested that you remove the above-mentioned post from your 'Councillor Pete Molloy' Facebook page if it is your position that it was made in your personal capacity. I can see that you have now done that."

I am a bit confused by this and hopefully you can clarify if you meant the post I put up on the Spennymoor What's Happening politically group, because if it is, it was never placed on my Councillor page for me to remove it, so would appreciate the clarification please.

In your draft decision notice, you say about my personal profile page:

(c) Cllr Molloy has expressly identified himself as a councillor on the "Pete Molloy" page in posts which remain publicly accessible on his timeline;

Could you please clarify if you are saying that my personal profile page is open for the general public to view?

If this is the case, this would be incorrect, because for some years now, I have not had my personal profile set on 'public', but on 'Friends', which means only people who I am friends with on Facebook can view my personal profile page. I have checked my settings to make that my personal profile page is still set on 'friends' and it is.

Near the bottom of the draft decision notice, you state:

I do not consider that this post is protected under Article 10 of the European Convention on Human Rights. The post expresses a general attack on "*non-indigenous*" persons living in the United Kingdom who do not "*assimilate*" themselves with what Cllr Molloy considers to be British culture and society. It also makes a personal attack on a public figure and encourages others to become "*vocal*".

I would like to point out that I am ethnically Irish, therefore, I am a non-indigenous Briton and with regards to your last sentence, I don't know if I am reading what you've written correctly, but it reads to me that you are saying that I was encouraging others to become vocal against the actress, which was not the case. I was speaking generally.

I look forward to receiving your clarification on points that I have raised.

Yours sincerely,

Cllr Pete Molloy

From: Jayne La Grua
Sent: Thursday, May 18, 2023 2:17:34 PM
To: Cllr Pete Molloy
Cc: Lucy Gladders
Subject: RE: CONFIDENTIAL: Draft Decision Notice

Dear Cllr Molloy,

Thank you for coming back to me so quickly. In relation to your comments:

"During our telephone conversation yesterday, I suggested that you remove the above-mentioned post from your 'Councillor Pete Molloy' Facebook page if it is your position that it was made in your personal capacity. I can see that you have now done that."

I am a bit confused by this and hopefully you can clarify if you meant the post I put up on the Spennymoor What's Happening politically group, because if it is, it was never placed on my Councillor page for me to remove it, so would appreciate the clarification please.

The post that I was referring to is Image 2 in the attached document, which is/was posted on your 'Councillor Pete Molloy' Facebook page. In my report, I will expressly identify it by reference to an image number so that there is no confusion about what I am referring to.

In your draft decision notice, you say about my personal profile page:

(c) Cllr Molloy has expressly identified himself as a councillor on the "Pete Molloy" Facebook page and shared content from his "Councillor Pete Molloy" page in posts which remain publicly accessible on his timeline;

Could you please clarify if you are saying that my personal profile page is open for the general public to view?

If this is the case, this would be incorrect, because for some years now, I have not had my personal profile set on 'public', but on 'Friends', which means only people who I am friends with on Facebook can view my personal profile page. I have checked my settings to make that my personal profile page is still set on 'friends' and it is.

The 'Pete Molloy' Facebook profile that I am referring to is the one that is hyperlinked in my draft report. This is the link: [Pete Molloy](#). Images 4 to 12 in the attached Appendix are publicly accessible in the timeline of this profile. If this is **not** your Facebook account, please say.

Near the bottom of the draft decision notice, you state:

I do not consider that this post is protected under Article 10 of the European Convention on Human Rights. The post expresses a general attack on "*non-indigenous*" persons living in the United Kingdom who do not "*assimilate*" themselves

with what Cllr Molloy considers to be British culture and society. It also makes a personal attack on a public figure and encourages others to become “vocal”.

I would like to point out that I am ethnically Irish, therefore, I am a non-indigenous Briton and with regards to your last sentence, I don't know if I am reading what you've written correctly, but it reads to me that you are saying that I was encouraging others to become vocal against the actress, which was not the case. I was speaking generally.

I am content to amend this paragraph of my decision notice as follows:

I do not consider that this post is protected under Article 10 of the European Convention on Human Rights. The post expresses a general attack on “~~non-indigenous~~” persons living in the United Kingdom who do not “*assimilate*” themselves with what Cllr Molloy considers to be British culture and society. ~~It also makes a personal attack on a public figure and encourages others to become “vocal”.~~

I am aware that Lucy is currently trying to find a date and time for you to speak to the Independent Person. I will withhold issuing my final decision notice until after you have had an opportunity to do this.

Kind regards,

Jayne La Grua
Governance Lawyer

Legal and Democratic Services
Durham County Council

From: Cllr Pete Molloy
Sent: 19 May 2023 10:23
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Draft Decision Notice

Dear Ms La Grua,

Thank you for your email with the clarification of the posts that you have mentioned in your attachment, and your amendment to your paragraph in your decision notice.

I would also like to thank you for your time in speaking with me over the phone yesterday, which helped to clarify and identify the specific posts you previously mentioned.

After our conversation, I think I have addressed the privacy settings on those posts, which now should not be seen by the public.

Please feel free to double check that I have been able to identify all of them and that they are no longer visible to you.

These were posts that had slipped through the net, which was unintentional and I apologise for this.

Thank you also for your complaint on my Councillor page on how informative it is for residents in my community.

On reflection it would be a shame to lose all that information for residents to view, so what I will do in future is to be more diligent on the privacy settings to ensure that only those I intend to view the posts will do.

Yours sincerely,

Cllr Pete Molloy

From: Jayne La Grua
Sent: 19 May 2023 13:20
To: Cllr Pete Molloy
Subject: RE: CONFIDENTIAL: Draft Decision Notice

Dear Cllr Molloy,

Thank you for your email this morning and for telephoning me yesterday afternoon.

To put matters in context, you explained to me over the telephone that you had previously attempted to adjust the privacy settings on your 'Pete Molloy' Facebook account and had believed that your posts to that account could only be seen by your Facebook friends. You explained to me that you frequently post to Facebook and that there are many more posts which do not appear in your publicly accessible timeline. However, as you are signed into your own Facebook account and can, therefore, see all of your posts, both private and public, you had not appreciated that the posts referred to in the Draft Decision Notice continued to appear in your publicly accessible timeline.

I confirm that, whilst we were on the telephone yesterday, you accessed your 'Councillor Pete Molloy' Facebook profile and removed the image of the post to the 'Spennymoor What's Happening Politically' Facebook group (the post subject of this complaint). Your comment beginning "Some of you will be aware of a complaint that has been made against me ..." remains published. You explained to me that you want to be open and transparent about the complaint.

Following your email this morning, I have looked at your 'Pete Molloy' Facebook profile and confirm that all of the posts referred to in my Draft Decision Notice (images 4 – 12 in Schedule 3) have now been removed from your publicly accessible timeline.

Please be aware, however, that older posts identifying you as a councillor remain publicly accessible. These include the following:



Pete Molloy
September 24, 2019 · 🌐



Councillor Pete Molloy
September 24, 2019 · 🌐

I was contacted early last week by a local resident about concerns he had with the Cow Plantation, so on Saturday I met up with him and visited the Cow Plantati... See more



Like



Share



Pete Molloy
September 11, 2019 · 🌐



Councillor Pete Molloy
September 11, 2019 · 🌐

I have been contacted by an Officer from the Town Council informing me that a complaint about a poster in one of the business premises that is selling the 'Spen... See more

👍 Like

🔗 Share



Pete Molloy
August 15, 2019 · 🌐



Councillor Pete Molloy
August 15, 2019 · 🌐

The town's new replacement 'Silent Soldier' to the one that was vandalised the other month, has now been installed by the town's war memorial on Cheapside.

Tha... See more



2 comments



Like



Share

View more comments



Pete Molloy
July 23, 2019 · 🌐



The Bollard has been fixed. Many thanks to **Pete Molloy** for getting this sorted so quickly. 🙌🙌🙌🙌🙌



4 d Like Reply

Councillor Pete Molloy
July 23, 2019 · 🌐

Last week, I was tagged in a post by the landlady of the Railway pub to help get a fallen bollard repaired.

I reported it to DCC and they were very quick in re... See more

2

Like Share

Pete Molloy
July 19, 2019 · 🌐



Councillor Pete Molloy is 📍 attending Big BRASS Bash - Spennymoor at Spennymoor Jubilee Park.
July 19, 2019 · Durham · 🌐

Big Brass Bash in Jubilee Park. Come along and bring the kids.

2

Like Share

Pete Molloy
July 18, 2019 · 🌐

...

Don't become a Town Councillor either. I've only been in the job 2 months and the kip of me 😂



👍👍 64

28 comments

👍 Like

🔄 Share

View more comments

Now we know what you will look like when you get older. Lol!

Like 3v

Pete Molloy
June 28, 2019 · 🌐

Councillor Pete Molloy
June 28, 2019 · 🌐

When I got elected onto the Town Council, one of things I wanted to ensure happened was for the Town Council to take control of the town's new Ceremonial Union ... See more



THENORTHERNECHO.CO.UK
Town's new Union Flag blessed
A FLAG which symbolises a town's unity and will be used at civic and memorial events has ...

👍❤️ 7 2 comments

👍 Like ➦ Share

View more comments

Great to know the Union Flag can rally the community together and remind them of their common history.
In peace, as well as war.

Like · 3y

Pete Molloy
June 22, 2019 · 🌐

Councillor Pete Molloy
June 22, 2019 · 🌐

In Jubilee Park for the Armed Forces Day event, which is looking promising. Just a shame that the town's Ceremonial Union flag is not welcome to be part of the Drumhead Service!

👍 3

👍 Like ➦ Share

Pete Molloy
June 20, 2019 · 🌐

Councillor Pete Molloy
June 20, 2019 · 🌐

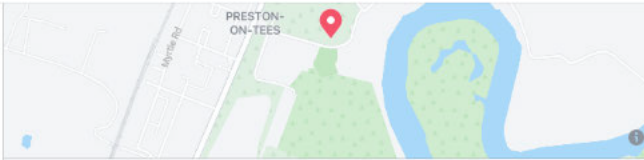
After a constituent came to my surgery earlier this month and raised a couple of road marking issues with me, I reported them to DCC.
One of the requests I mad... See more

👍 Like ➦ Share

Pete Molloy
June 19, 2019 · 🌐

Councillor Pete Molloy is at **Preston Park Museum and Grounds**.
June 19, 2019 · Stockton-on-Tees · 🌐

Today I am attending the County Durham and Cleveland County Training Partnership's 'How to be a Good Councillor' training day.
Before anyone asks, no, I haven't... See more



PARK
Preston Park Museum and Grounds

👍 3

👍 Like

🔗 Share

Pete Molloy
June 18, 2019 · 🌐



Councillor Pete Molloy
June 18, 2019 · 🌐

Last night I paid a visit to the Spennymoor Detachment of the Army Cadet Force (A.C.F.) in Villiers Street.
It was good to see a good turnout of Cadets and I i... See more

👍❤️ 13

3 comment

👍 Like

🔗 Share

View more comments



Like 37

Pete Molloy
June 8, 2019 · 🌐



Councillor Pete Molloy
June 8, 2019 · 🌐

I had one constituent come to see me at my surgery this morning.
It's a start, but most importantly is that I am making myself available and I will hold another one next month.

👍 18

5 comments

👍 Like

🔗 Share

View more comments

Best of luck with this Peter
Like 3y

Pete Molloy
June 8, 2019 · 🌐

Councillor Pete Molloy
June 8, 2019 · 🌐

If any residents of the Spennymoor Ward would like to come and see me with any council issues they may have, I am now in The Victoria Pub and will have my surgery on until midday.

👍 1

4 comments

👍 Like

🔗 Share

View more comments

Thank you Pete molloy grass cut in chestnut ave well done
Like 3y



I understand that arrangements are being made for you to consult with the Independent Person. Once you have done so, I will finalise my Decision Notice and the Monitoring Officer will contact you about next steps.

Yours sincerely,

Jayne La Grua
Governance Lawyer

Legal and Democratic Services
Durham County Council

From: Cllr Pete Molloy
Sent: 19 May 2023 13:52
To: Jayne La Grua
Subject: Re: CONFIDENTIAL: Draft Decision Notice

Dear Ms La Grua,

I agree with context you have written in your email and over this weekend, I will endeavour to locate these new posts and adjust accordingly.

Regards,

Pete

APPENDIX 3: FACEBOOK

Image 1: Post on “Spennymoor What’s Happening Politically” Group

Spennymoor What's Happening Politically.

... X

Pete Molloy · 5 h · 🗨️

I don't care if this post offends anyone, because enough is enough now and it's about time more and more people grew a pair and speak their minds and stopped being the silent majority and become the vocal majority!

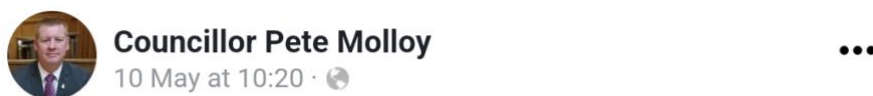
Another non-indigenous British person with not just a chip, but a whole sack of King Eddie potatoes on their shoulder.

Britain is a white man's country, just as Nigeria is a black man's country, India is a brown man's country and China is the yellow man's country, so it is not down to the indigenous British people in their own homeland to assimilate with non-indigenous British people who live here. The duty is on those non-indigenous British people to assimilate, as best as possible, into the culture and society of the indigenous British people. The same goes for every other country in the world that have non-indigenous people living there too, their duty is not to try and change the ways of those countries, but to assimilate into those countries societies.

I don't care if you are either an indigenous or non-indigenous British person, so if you dislike or hate the history, heritage, culture, religion, governance etc. of Great Britain, please feel free to make your way to any of the many air or sea ports and leave, because you don't have to live here!



Image 2: Post on “[Councillor Pete Molloy](#)” Facebook Page



Some of you will be aware of a complaint that has been made against me, which I believe is politically motivated, for a post I placed on the Spennymoor What's Happening Politically group in my capacity as an individual person using my personal profile page and not as a Councillor using my Councillor profile page, in relation to the 'terribly white' comment made by the actress, Adjoa Andoh towards the Royal Family.

This complaint has been picked up by the BBC <https://www.bbc.co.uk/news/articles/c0311z506lpo> and the Northern Echo <https://www.thenorthernecho.co.uk/news/23510447.durham-council-probe-social-media-post-spennymoors-pete-molloy/>

I can confirm that I have sent in to DCC my response to the complaint. I would like to thank everyone who have sent messages of support, both publicly and privately, and I would like to reassure you that I will not be resigning from either the Town Council or the County Council.



Image 3: “[Councillor Pete Molloy](#)” Facebook profile:

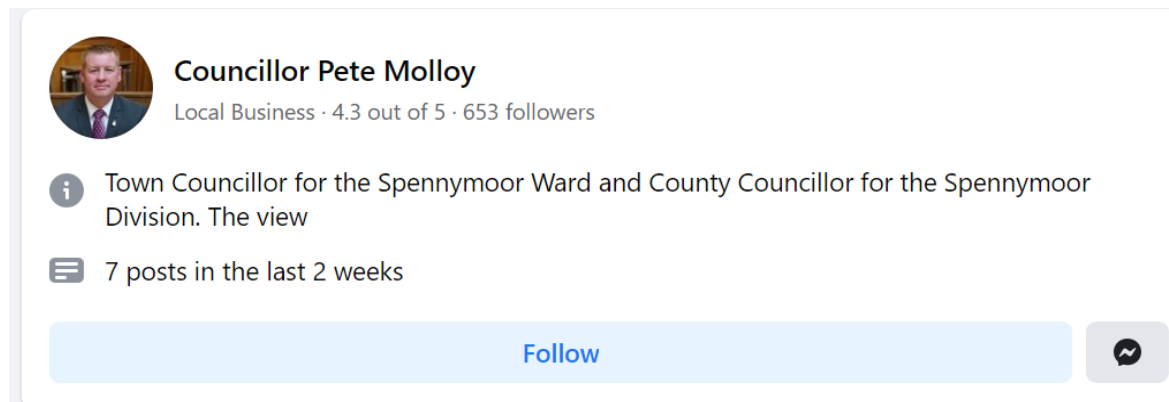


Image 4: “[Pete Molloy](#)” Facebook profile:



Image 5: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

 **Pete Molloy**
January 29, 2022 · 🌐




WED AT 18:29


Pete, the footpath has been repaired today. Thanks for your assistance. we've put off reporting for so long & it's been resolved much quicker than expected so absolutely delighted - thank you 🙏

 **Councillor Pete Molloy**
January 29, 2022 · 🌐

I was contacted a couple of weeks ago by a resident that was concerned for the elderly residents that have to use the footpath between Winchester Court and Trou... [See more](#)

Image 6: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

 **Pete Molloy**
January 29, 2022 · 🌐



 **Councillor Pete Molloy**
January 29, 2022 · 🌐

If you are using Carr Lane between Kentmere and Mossmere, take it easy along the road.

There is a fallen tree that is slightly encroaching onto the road, broke... [See more](#)

Image 7: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

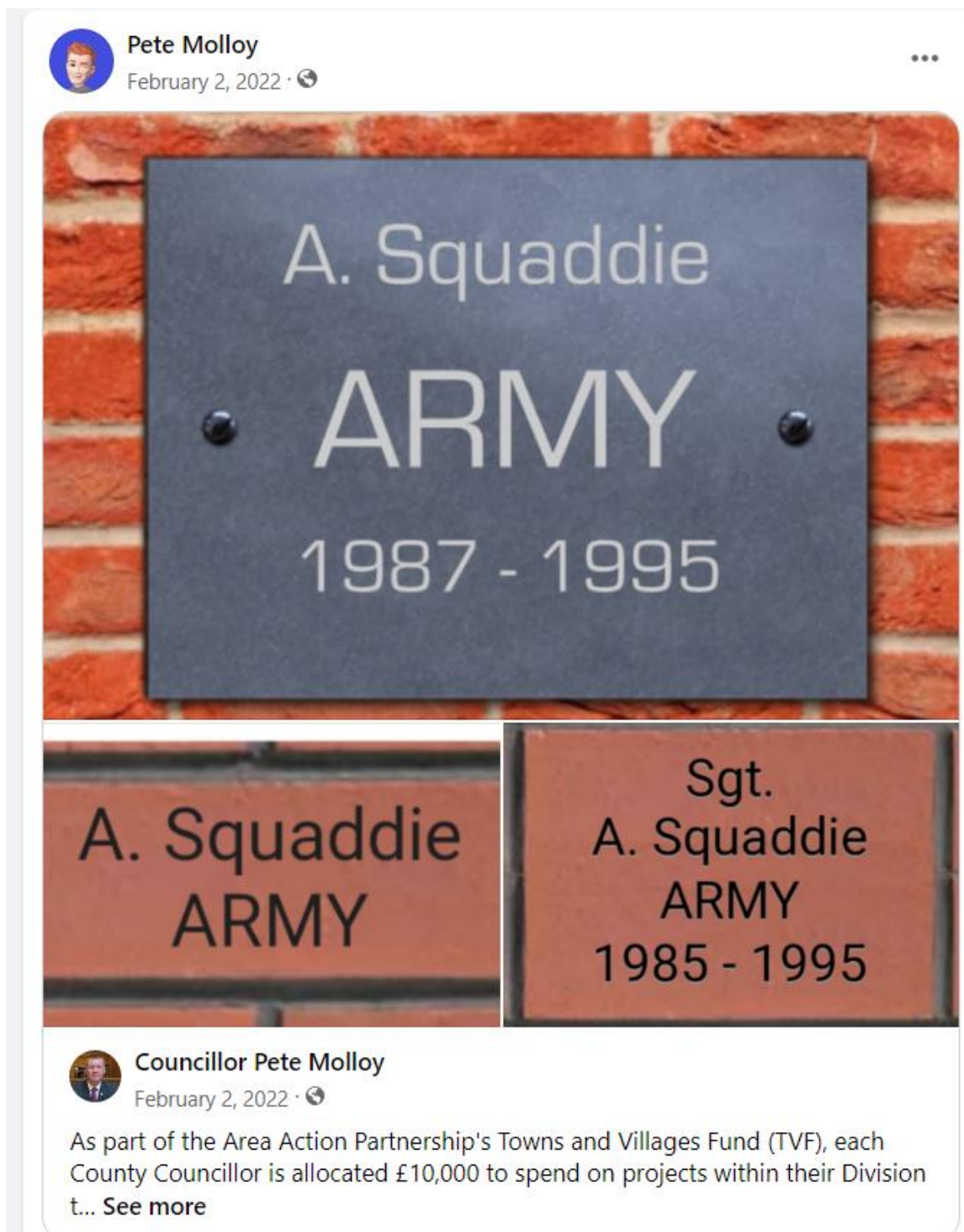


Image 8: Re-post from “Councillor Pete Molloy” to “Pete Molloy”



Pete Molloy

February 3, 2022 · 🌐



It's back!

Come and join Litterfree Durham's

Big Spring Clean 2022

21 February - 4 April

We can help you, your school, organisation or community group take part in a litterpick throughout County Durham.

To clean up your village or town
Email: litterfreedurham@durham.gov.uk
Call: 03000 260000
Visit: www.durham.gov.uk/bigspringclean

LitterFree DURHAM | **DARLINGTON** Borough Council | **Durham** County Council

The poster features a yellow background with a large orange flower graphic in the top right. It includes three circular images: a teddy bear mascot, a person in a blue jacket and orange vest picking up litter, and a group of people holding signs. Logos for LitterFree Durham, Darlington Borough Council, and Durham County Council are at the bottom.



Councillor Pete Molloy

February 3, 2022 · 🌐

The details of who to contact are on the image for those that would like to get involved.

Image 9: Re-post from “Councillor Pete Molloy” to “Pete Molloy”



Image 10: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

 **Pete Molloy**
February 6, 2022 · 🌐





 **Councillor Pete Molloy**
February 6, 2022 · 🌐


On this day in 1952, Princess Elizabeth became Her Majesty Queen Elizabeth II, after the death of her father King George VI.

Congratulations to Her Majesty on ... [See more](#)

Image 11: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

 **Pete Molloy**
February 10, 2022 · 🌐



 **Councillor Pete Molloy**
February 10, 2022 · 🌐

Market area update

Work on the market area was originally expected to start in January 2022. Unfortunately due to long lead in times and disruption of supplie... [See more](#)

Image 12: Re-post from “Councillor Pete Molloy” to “Pete Molloy”

 **Pete Molloy**
February 17, 2022 · 🌐



AFOS
ARMED FORCES OUTREACH SERVICE
A Local Authority Partnership

Have you or a close family member ever served in the Armed Forces?

Do you need advice and support on housing, employment or other welfare needs?

The Armed Forces Outreach Service can help you

Tel: Housing Solutions on 03000 268000

Email:
armedforcesoutreachworker@durham.gov.uk



Cobseo
The Confederation
of Service Charities



Durham
County Council



ARMED FORCES
COVENANT

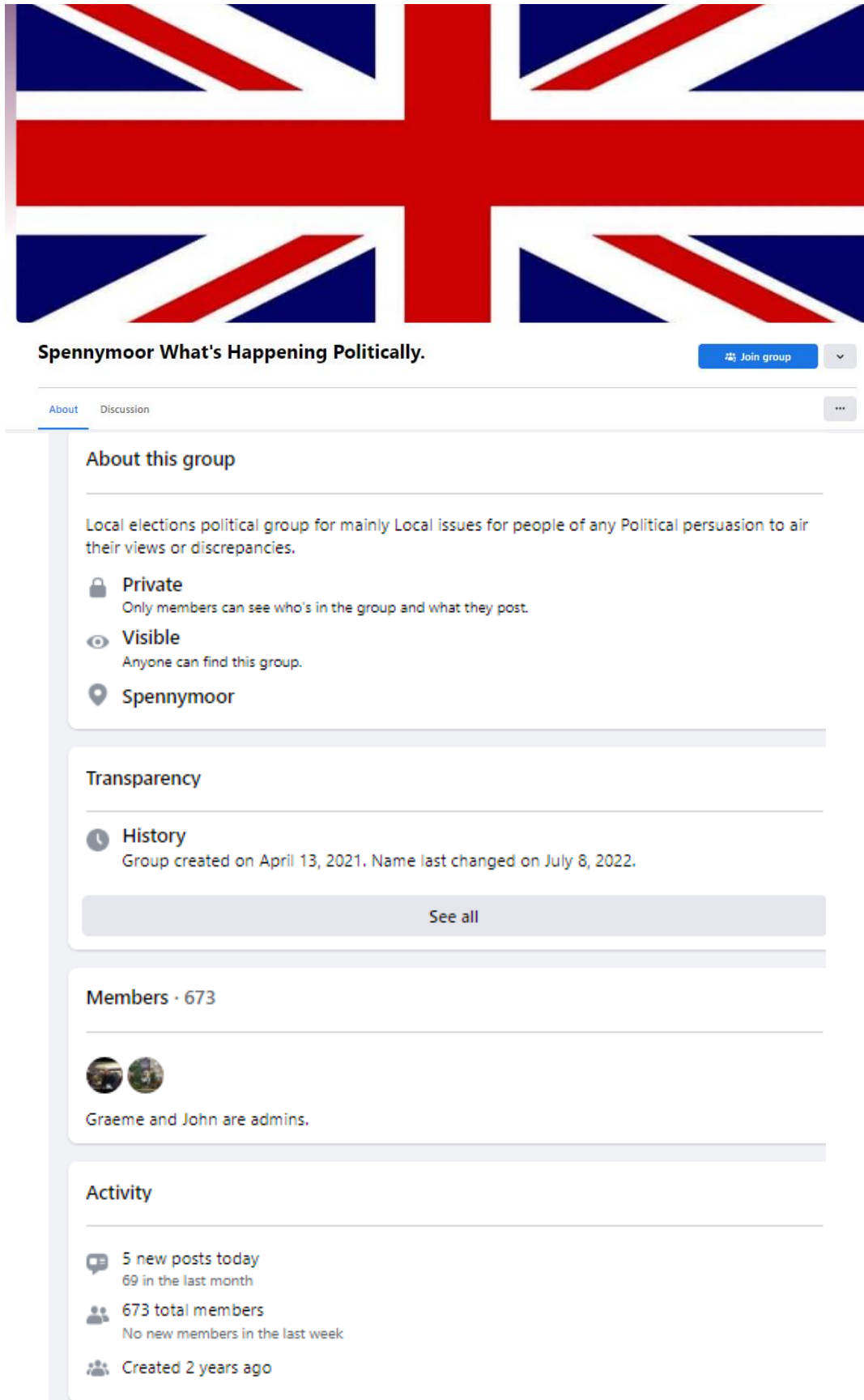
 **Councillor Pete Molloy**
February 17, 2022 · 🌐

From D.C.C.

Great News!

AFOS will now run a drop-in service at Spennymoor Town Hall on the following dates and times in the lounge/bar area... [See more](#)

Image 13: “[Spennymoor What’s Happening Politically](#)” Facebook group:



This page is intentionally left blank



Search Twitter



Log in

Use app

**Spennymoor What's Happening**
Politically.

Pete Molloy · 5 h ·

I don't care if this post offends anyone, because enough is enough now and it's about time more and more people grew a pair and speak their minds and stopped being the silent majority and become the vocal majority!

Another non-indigenous British person with not just a chip, but a whole sack of King Eddie potatoes on their shoulder.

Britain is a white man's country, just as Nigeria is a black man's country, India is a brown man's country and China is the yellow man's country, so it is not down to the indigenous British people in their own homeland to assimilate with non-indigenous British people who live here. The duty is on those non-indigenous British people to assimilate, as best as possible, into the culture and society of the indigenous British people. The same goes for every other country in the world that have non-indigenous people living there too, their duty is not to try and change the ways of those countries, but to assimilate into those countries societies.

I don't care if you are either an indigenous or non-indigenous British person, so if you dislike or hate the history, heritage, culture, religion, governance etc. of Great Britain, please feel free to make your way to any of the many air or sea ports and leave, because you don't have to live here!



Daily Mail

MORE STORIES



Bridgerton star Adjoa Andoh stuns ITV



This page is intentionally left blank