



## Standards Committee Hearing Panel

**Date** Tuesday 10 October 2023  
**Time** 9.30 am  
**Venue** Committee Room 1A , County Hall, Durham

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### Business

#### Part A

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

1. Election of Chair
2. Declarations of Interest
3. Standards Committee Hearing Panel - COM 418 (Pages 3 - 136)
  - (i) To consider RESOLVING that in accordance with Section 100(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 Deputy Monitoring Officer in relation to COM 418.

**Helen Bradley**  
Head of Legal and Democratic Services

County Hall  
Durham  
2 October 2023

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

Councillors K Rooney C Varty and A Savory

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**Report of James Etherington, Deputy Monitoring Officer**

**Electoral division(s) affected:**

Chester-le-Street South

**Purpose of the Report**

- 1 This report summarises the issues relating to a Member Code of Conduct Complaint referred for determination by a Hearing Panel of the Standards Committee (the Panel) to take place on 10 October 2023.

**Executive summary**

- 2 The Monitoring Officer received a complaint against Councillor Paul Sexton (the Subject Member) which was assessed in line with the Procedure for Member Code of Conduct Complaints, the outcome being a referral to a Panel of the Standards Committee for consideration and determination.
- 3 The complaint relates to allegations of misconduct of the Subject Member in his capacity as a Waldrige Parish Councillor and as a Durham County Councillor towards members of the public.

**Recommendation(s)**

- 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 decision notice for COM 418 and reach decisions in respect of the 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 Paul Sexton is a member of Waldrige Parish Council and is also a Durham County Councillor. As a member of the Parish Council and as a Durham County Councillor, Councillor Paul Sexton is expected to conduct himself in accordance with both the Parish Council's Member Code of Conduct (Appendix 2) and Durham County Council's Code of Conduct (Appendix 3).
- 6 On 24 April 2023 the Monitoring Officer acknowledged receipt of a Code of Conduct complaint (COM 418) from a member of the public. The allegations related to the Member's conduct and alleged that he had bullied, intimidated and threatened the Complainant's daughter.
- 7 A summary of the complaint to be considered by the Hearing Panel of the Standards Committee (the Panel) is set out below.

## **Preliminary Consideration**

- 8 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.
- 9 The Procedure for Member Code of Conduct Complaints shown at Appendix 4 to 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 Local Government Act 1972 also states that information which falls within the following categories are exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. 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.

- 10 The Panel will need to have regard to Article 6 of the European Convention on Human Rights and to Section 6(1) of the Human Rights Act 1998, which place a duty to act fairly and in line with the rules of natural justice. Article 6 favours public hearings, except in specific circumstances.
- 11 If the Hearing Panel decides to exclude the public to prevent exempt information being revealed, it may decide to exclude the public for only 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.
- 12 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 and/ or the Governance Lawyer, the Member concerned or his representative, and

the Independent Person with reasons why the Panel should make such an exclusion.

## **COM 418**

- 13 The Monitoring Officer received complaint COM 418 on 24 April 2023. The complaint was submitted by a member of the public and related to allegations that the Subject Member had bullied, intimidated and threatened the Complainant's daughter.
- 14 The complaint was considered in accordance with the Procedure for Member Code of Conduct Complaints and, after consultation with the Independent Person, was referred directly for consideration by a Hearing Panel of the Standards Committee. The Governance Lawyer considered that there was sufficient information within the complaint and response of the Subject Member 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 28 July 2023, and is attached at Appendix 5.
- 15 The allegations regarding the Subject Member's behaviour towards the Complainant's daughter are alleged to have begun following two encounters between the Complainant's son-in-law and the Subject Member.
- 16 During the first encounter the Subject Member is alleged to have been overbearing and disrespectful towards the Complainant's son-in-law in relation to supervision of his dog on the Millennium Green. The Complainant provided a mobile phone video recording made by his son-in-law showing much of the encounter. A transcript of that recording can be found within the decision notice at Appendix 5.
- 17 The second encounter is said to have taken place on the evening of 22 April 2023 when the Complainant's son-in-law was walking from his home address to a local shop. It is alleged that the Subject Member was driving his car when he saw the Complainant's son in law, followed him in his car, and appeared to wait outside the shop before eventually driving away.
- 18 Shortly after that second encounter, the Subject Member video called the Complainant's daughter. The Complainant has provided a recording made by his daughter of the conversation that took place. A transcript of that recording can be found within the decision notice at Appendix 5.
- 19 During that phone call it is alleged that the Subject Member identified himself as both a County Councillor and a Parish Councillor, maintained that the Complainant's son-in-law had goaded him, and threatened to use his position as a councillor to block the Complainant's daughter's request

to hold a charity dog show on the Millennium Green unless she spoke to her husband and persuaded him to apologise.

20 The allegations potentially engage the following provisions of the Codes of Conduct for Members of Durham County Council and Waldrige Parish Council:

- Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially (Durham County Council);
- Always treat people with respect (Durham County Council)
- Behave in such a way that a reasonable person would regard as respectful (Waldrige Parish Council);
- Not to bully or harass any person (Durham County Council);
- Not act in a way which a reasonable person would regard as bullying or intimidatory (Waldrige Parish Council);
- 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 (Durham County Council);
- Not behave in a manner which a reasonable person would regard as likely to bring the Council, or his office as a member of the Council, into disrepute (Waldrige Parish Council);
- Not seek to improperly confer an advantage or disadvantage on any person (Waldrige Parish Council).

21 As part of the assessment of the complaint the Subject Member's views were sought. The Subject Member denied the allegations made against him and the Subject Member's full response can be found at Appendix 5 within the decision notice. The Subject Member also provided videos to refute part of the allegations made against him.

22 The Governance Lawyer considered the complaint and the Subject Members response. The reasons for the decision can be found at paragraphs 44 – 59 of the decision notice which can be found at Appendix 5.

### **Role of the Panel**

23 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.

- 24 Where the assessment or investigation of a complaint finds evidence of a failure to comply with the Code of Conduct and informal resolution is not appropriate or possible, the findings will be reported to a Hearing Panel of the Standards Committee for local determination.
- 25 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 Governance Lawyer and the Member.
- 26 Having heard from the Governance Lawyer 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 Governance Lawyer.
- 27 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.
- 28 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 Governance Lawyer, Member and Independent Person on the issue of sanctions.
- 29 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.
- 30 The Hearing Panel will announce its decision at 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 Complainant, the Member and the Clerk to the Parish Council, and published on the Council's website.

### **Background papers**

- None

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### **Author(s)**

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## **Appendix 1: Implications**

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### **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 in 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.

### **Staffing**

None

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None

**County Durham Association of Local Councils****Model Code of Conduct for Local Councils.****Introduction**

Pursuant to section 27 of the Localism Act 2011, Waldrige Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

**Promotion and Maintenance of Standards**

A member shall

- familiarise him/herself with the Councils Code of Conduct and any other policies or standing orders of the council which relate to members conduct.
- support the council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declaration of member's interests.

Nothing in this Code shall prevent a member from disclosing any other interest if the individual wishes to do so.

**Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

**Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute.
4. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
5. He/she shall use the resources of the Council in accordance with its requirements.

6. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
7. He/She will be required to declare an interest at the meeting, even though that interest may already appear on their Register of Interests. This is to make fellow-members, the press and the public aware of a member's interest, if that member does not articulate it when the council are discussing a relevant matter which affects that interest.

### **Registration of interests**

8. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
9. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
10. A member shall register with the Monitoring Officer any change to interests or new interests (including sensitive interests) in Appendices A and B within 28 days of becoming aware of it.

A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register could lead the member or a person connected with the member to be subject to violence or intimidation.

Failure without reasonable excuse to register a Disclosable Pecuniary Interest (Appendix A Interest) is a criminal offence under the Localism Act 2011 as well as a breach of the Code

### **Declaration of interests at meetings**

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall
  - Declare what his/her interests are;
  - not participate in a discussion or vote on the matter (Localism Act s31(4) .
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

If it is an interest which has not already been disclosed to the Monitoring Officer, the member shall disclose the nature of it and let the Monitoring Officer know of the existence of a new interest within 28 days

12. Subject to the above, where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall
  - Declare an interest but not the nature of it
  - not participate in a discussion or vote on the matter(Localism Act s31(4)
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it and let the Monitoring Officer know of the existence of a new sensitive interest within 28 days.

13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall

- Declare what his/her interests are
- He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- not vote on the matter.
- If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall

- disclose the nature of the interest.
- He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- not vote on the matter.
- If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

### **Dispensations**

15. On a written request made to the Council's proper officer, prior to the relevant item being discussed the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes

- that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
- it is in the interests of the inhabitants in the Council's area to allow the member to take part or
- it is otherwise appropriate to grant a dispensation.

## Appendix A Disclosable Pecuniary Interests

Interests defined by regulations made under section 30 (3) of the Localism Act 2011 and described in the table below. They include interests which are held by the member; his/her spouse or civil partner, a person with who he/she is living as husband and wife; or a person with whom he/she is living as if they are civil partners, and the member is aware that the other person has the interest.

Interests described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992</a> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate	Any tenancy where (to the member's knowledge)—

tenancies	
	(a) the landlord is the Council; and
	(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'director' includes a member of the committee of management of an industrial and provident society.

\*\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Appendix B

An interest which relates to or is likely to affect:

- i. any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council but only when the item under discussion involves potential funding or transfer of assets from the Council to that body.
- ii. any body—
  - a. exercising functions of a public nature;
  - b. directed to charitable purposes; or
  - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

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# 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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## 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](mailto: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.



## Standards Committee Hearing Panel

**Date** Tuesday 10 October 2023  
**Time** 9.30 am  
**Venue** Committee Room 1A, County Hall, Durham

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### Business

#### Part A

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

1. Election of Chair
2. Declarations of Interest
3. Standards Committee Hearing Panel - COM 418 (Pages 3 - 84)
  - (i) To consider RESOLVING that in accordance with Section 100(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 Deputy Monitoring Officer in relation to COM 418.

**Helen Bradley**  
Head of Legal and Democratic Services

County Hall  
Durham  
2 October 2023

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

Councillors K Rooney, A Savory and C Varty

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**Report of James Etherington, Deputy Monitoring Officer**

**Electoral division(s) affected:**

Chester-le-Street South

**Purpose of the Report**

- 1 This report summarises the issues relating to a Member Code of Conduct Complaint referred for determination by a Hearing Panel of the Standards Committee (the Panel) to take place on 10 October 2023.

**Executive summary**

- 2 The Monitoring Officer received a complaint against Councillor Paul Sexton (the Subject Member) which was assessed in line with the Procedure for Member Code of Conduct Complaints, the outcome being a referral to a Panel of the Standards Committee for consideration and determination.
- 3 The complaint relates to allegations of misconduct of the Subject Member in his capacity as a Waldrige Parish Councillor and as a Durham County Councillor towards members of the public.

**Recommendation(s)**

- 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 decision notice for COM 418 and reach decisions in respect of the 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 Paul Sexton is a member of Waldrige Parish Council and is also a Durham County Councillor. As a member of the Parish Council and as a Durham County Councillor, Councillor Paul Sexton is expected to conduct himself in accordance with both the Parish Council's Member Code of Conduct (Appendix 2) and Durham County Council's Code of Conduct (Appendix 3).
- 6 On 24 April 2023 the Monitoring Officer acknowledged receipt of a Code of Conduct complaint (COM 418) from a member of the public. The allegations related to the Member's conduct and alleged that he had bullied, intimidated and threatened the Complainant's daughter.
- 7 A summary of the complaint to be considered by the Hearing Panel of the Standards Committee (the Panel) is set out below.

## **Preliminary Consideration**

- 8 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.
- 9 The Procedure for Member Code of Conduct Complaints shown at Appendix 4 to 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 Local Government Act 1972 also states that information which falls within the following categories are exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. 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.

- 10 The Panel will need to have regard to Article 6 of the European Convention on Human Rights and to Section 6(1) of the Human Rights Act 1998, which place a duty to act fairly and in line with the rules of natural justice. Article 6 favours public hearings, except in specific circumstances.
- 11 If the Hearing Panel decides to exclude the public to prevent exempt information being revealed, it may decide to exclude the public for only 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.
- 12 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 and/ or the Governance Lawyer, the Member concerned or his representative, and

the Independent Person with reasons why the Panel should make such an exclusion.

## **COM 418**

- 13 The Monitoring Officer received complaint COM 418 on 24 April 2023. The complaint was submitted by a member of the public and related to allegations that the Subject Member had bullied, intimidated and threatened the Complainant's daughter.
- 14 The complaint was considered in accordance with the Procedure for Member Code of Conduct Complaints and, after consultation with the Independent Person, was referred directly for consideration by a Hearing Panel of the Standards Committee. The Governance Lawyer considered that there was sufficient information within the complaint and response of the Subject Member 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 28 July 2023, and is attached at Appendix 5.
- 15 The allegations regarding the Subject Member's behaviour towards the Complainant's daughter are alleged to have begun following two encounters between the Complainant's son-in-law and the Subject Member.
- 16 During the first encounter the Subject Member is alleged to have been overbearing and disrespectful towards the Complainant's son-in-law in relation to supervision of his dog on the Millennium Green. The Complainant provided a mobile phone video recording made by his son-in-law showing much of the encounter. A transcript of that recording can be found within the decision notice at Appendix 5.
- 17 The second encounter is said to have taken place on the evening of 22 April 2023 when the Complainant's son-in-law was walking from his home address to a local shop. It is alleged that the Subject Member was driving his car when he saw the Complainant's son in law, followed him in his car, and appeared to wait outside the shop before eventually driving away.
- 18 Shortly after that second encounter, the Subject Member video called the Complainant's daughter. The Complainant has provided a recording made by his daughter of the conversation that took place. A transcript of that recording can be found within the decision notice at Appendix 5.
- 19 During that phone call it is alleged that the Subject Member identified himself as both a County Councillor and a Parish Councillor, maintained that the Complainant's son-in-law had goaded him, and threatened to use his position as a councillor to block the Complainant's daughter's request

to hold a charity dog show on the Millennium Green unless she spoke to her husband and persuaded him to apologise.

20 The allegations potentially engage the following provisions of the Codes of Conduct for Members of Durham County Council and Waldrige Parish Council:

- Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially (Durham County Council);
- Always treat people with respect (Durham County Council)
- Behave in such a way that a reasonable person would regard as respectful (Waldrige Parish Council);
- Not to bully or harass any person (Durham County Council);
- Not act in a way which a reasonable person would regard as bullying or intimidatory (Waldrige Parish Council);
- 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 (Durham County Council);
- Not behave in a manner which a reasonable person would regard as likely to bring the Council, or his office as a member of the Council, into disrepute (Waldrige Parish Council);
- Not seek to improperly confer an advantage or disadvantage on any person (Waldrige Parish Council).

21 As part of the assessment of the complaint the Subject Member's views were sought. The Subject Member denied the allegations made against him and the Subject Member's full response can be found at Appendix 5 within the decision notice. The Subject Member also provided videos to refute part of the allegations made against him.

22 The Governance Lawyer considered the complaint and the Subject Members response. The reasons for the decision can be found at paragraphs 44 – 59 of the decision notice which can be found at Appendix 5.

### **Role of the Panel**

23 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.

- 24 Where the assessment or investigation of a complaint finds evidence of a failure to comply with the Code of Conduct and informal resolution is not appropriate or possible, the findings will be reported to a Hearing Panel of the Standards Committee for local determination.
- 25 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 Governance Lawyer and the Member.
- 26 Having heard from the Governance Lawyer 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 Governance Lawyer.
- 27 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.
- 28 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 Governance Lawyer, Member and Independent Person on the issue of sanctions.
- 29 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.
- 30 The Hearing Panel will announce its decision at 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 Complainant, the Member and the Clerk to the Parish Council, and published on the Council's website.

### **Background papers**

- None

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### **Author(s)**

Lauren Smith

Tel: 03000 267870

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## **Appendix 1: Implications**

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### **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 in 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.

### **Staffing**

None

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None

**County Durham Association of Local Councils****Model Code of Conduct for Local Councils.****Introduction**

Pursuant to section 27 of the Localism Act 2011, Waldrige Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

**Promotion and Maintenance of Standards**

A member shall

- familiarise him/herself with the Councils Code of Conduct and any other policies or standing orders of the council which relate to members conduct.
- support the council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declaration of member's interests.

Nothing in this Code shall prevent a member from disclosing any other interest if the individual wishes to do so.

**Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

**Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute.
4. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
5. He/she shall use the resources of the Council in accordance with its requirements.

6. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
7. He/She will be required to declare an interest at the meeting, even though that interest may already appear on their Register of Interests. This is to make fellow-members, the press and the public aware of a member's interest, if that member does not articulate it when the council are discussing a relevant matter which affects that interest.

### **Registration of interests**

8. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
9. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
10. A member shall register with the Monitoring Officer any change to interests or new interests (including sensitive interests) in Appendices A and B within 28 days of becoming aware of it.

A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register could lead the member or a person connected with the member to be subject to violence or intimidation.

Failure without reasonable excuse to register a Disclosable Pecuniary Interest (Appendix A Interest) is a criminal offence under the Localism Act 2011 as well as a breach of the Code

### **Declaration of interests at meetings**

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall
  - Declare what his/her interests are;
  - not participate in a discussion or vote on the matter (Localism Act s31(4) .
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

If it is an interest which has not already been disclosed to the Monitoring Officer, the member shall disclose the nature of it and let the Monitoring Officer know of the existence of a new interest within 28 days

12. Subject to the above, where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall
  - Declare an interest but not the nature of it
  - not participate in a discussion or vote on the matter(Localism Act s31(4)
  - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.



If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it and let the Monitoring Officer know of the existence of a new sensitive interest within 28 days.

13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall

- Declare what his/her interests are
- He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- not vote on the matter.
- If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall

- disclose the nature of the interest.
- He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- not vote on the matter.
- If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

### **Dispensations**

15. On a written request made to the Council's proper officer, prior to the relevant item being discussed the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes

- that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
- it is in the interests of the inhabitants in the Council's area to allow the member to take part or
- it is otherwise appropriate to grant a dispensation.

## Appendix A Disclosable Pecuniary Interests

Interests defined by regulations made under section 30 (3) of the Localism Act 2011 and described in the table below. They include interests which are held by the member; his/her spouse or civil partner, a person with who he/she is living as husband and wife; or a person with whom he/she is living as if they are civil partners, and the member is aware that the other person has the interest.

Interests described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992</a> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council.  'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Contracts	Any tenancy where (to the member's knowledge)—

tenancies	
	(a) the landlord is the Council; and
	(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'director' includes a member of the committee of management of an industrial and provident society.

\*\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Appendix B

An interest which relates to or is likely to affect:

- i. any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council but only when the item under discussion involves potential funding or transfer of assets from the Council to that body.
- ii. any body—
  - a. exercising functions of a public nature;
  - b. directed to charitable purposes; or
  - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

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## 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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## 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](mailto:democraticservices@durham.gov.uk) or telephone [REDACTED].

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.





# **DECISION NOTICE: REFERRAL TO STANDARDS COMMITTEE HEARING PANEL**

## **Complaint Reference - COM 418**

1. The Governance Lawyer has considered a complaint submitted by [REDACTED] concerning the conduct of Councillor Paul Sexton, who is both a Durham County Councillor and a Waldrige Parish Councillor.
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 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 Waldrige Parish Council have each adopted a Code of Conduct for their Members, which are available for inspection on their respective websites.
5. Durham County Council has 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 authority'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 Member Code of Conduct Complaints ("the Procedure").
7. The Procedure requires the Monitoring Officer to ensure that all Member 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 Member 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.

## Complaint

11. On 24 April 2023, the Monitoring Officer received a complaint from [REDACTED] alleging that Cllr Sexton had bullied, intimidated and threatened his daughter, [REDACTED]. A copy of the complaint appears at **Appendix 1**.
12. The facts giving rise to the complaint are alleged to have begun with an encounter between [REDACTED] son-in-law, [REDACTED] husband, [REDACTED], and Cllr Sexton on Waldrige Millennium Green. [REDACTED] was exercising his dog off lead at the time, whilst also pushing his young child in a pushchair and listening to music through ear pods. [REDACTED] states that Cllr Sexton approached [REDACTED] and started remonstrating with him about not having his dog under control. [REDACTED] is said to have called his dog, who immediately returned to his side, and asked Cllr Sexton who he was and what he was talking about. Cllr Sexton identified himself as a Councillor and said that [REDACTED] should have his dog under control so that he could pick up after it. [REDACTED] replied that he had shown that his dog was well trained and under control, the dog had already been to the toilet, which he had picked up and disposed of, and, if it did go again, he had bags with him and would pick it up and bin it.
13. [REDACTED] alleges that, at this point, Cllr Sexton became agitated and told [REDACTED] that he did not believe his explanation, and that he should not be wearing headphones or letting his dog run free. [REDACTED] asked if Cllr Sexton had problems or had gotten out of the wrong side of bed that morning and tried to walk away. Cllr Sexton told [REDACTED] that he was acting illegally and that he would have wardens at his door if he did that again. Cllr Sexton then stated that he hates irresponsible people and walked off.

14. [REDACTED] has provided a mobile phone video recording, made by [REDACTED], showing much of the encounter described above. A transcript of the recording appears at **Appendix 2**.
15. [REDACTED] states that, following the encounter described above, [REDACTED] has passed Cllr Sexton on Millennium Green on many occasions and completely ignored him.
16. However, on the evening of 22 April 2023, [REDACTED] was walking from his home address to a local shop when he noticed Cllr Sexton in his car waiting at a junction. It is alleged that Cllr Sexton hastily turned his car around and followed [REDACTED], banging hard up against the kerb in the process. [REDACTED] went inside a shop and Cllr Sexton is alleged to have parked outside apparently waiting for him to leave. [REDACTED] waited inside the shop until Cllr Sexton eventually drove away. [REDACTED] then left in the opposite direction, crossing the Green so that Cllr Sexton could not follow in this car and also so as not to reveal his home address. [REDACTED] saw Cllr Sexton's car again at a junction, before it drove away.
17. [REDACTED] maintains that the incident on 22 April 2023 is corroborated by CCTV, which [REDACTED] has viewed, and which shows him entering and leaving the shop while Cllr Sexton's car travels back and forth outside.
18. [REDACTED] states that Cllr Sexton contacted the shop in question later that evening and, using his authority as a councillor, demanded the CCTV from the owner.
19. That evening, Cllr Sexton video-called [REDACTED] daughter, [REDACTED]. In [REDACTED] opinion, the purpose of that call was to threaten, bully and intimidate [REDACTED] in order to teach her husband, [REDACTED], a lesson because [REDACTED] did not "bow down" to Cllr Sexton's power as a councillor.
20. [REDACTED] has provided a video recording, made by his daughter, which captures much of the video call. In the recording, Cllr Sexton can be seen walking around what appears to be his living room and [REDACTED] appears to be seated in her own living room with an infant on her lap. A transcript of the recording appears at **Appendix 3**.
21. According to [REDACTED], during the course of that video call Cllr Sexton identified himself as both a County Councillor and a Parish Councillor, referred to a decision of the Parish Council relating to a charity dog show run by [REDACTED], told her that it is her husband that he has a problem with and that he will stop her annual charity dog show taking place on Millennium Green and any future expansion of her dog walking business and get the wardens to ban her husband from the Green.
22. [REDACTED] states that, following the video call with Cllr Sexton, his daughter telephoned him in a state of distress about what she considered to be bullying, intimidation and a threat to her livelihood. He states that [REDACTED] felt

too anxious to open her business the following day for fear of Cllr Sexton turning up to bully her further.

23. ██████ states that, the following morning, his son-in-law ██████ walked around the Green but at a different time than usual, entering and exiting by different entrances/exits than usual. However, the whole time Cllr Sexton was there standing staring at ██████. ██████ also states that his daughter ██████ received a “weird” text from Cllr Sexton on Sunday 23 April, to which she replied asking Cllr Sexton not to contact her.
24. In summary, ██████ maintains that Cllr Sexton is using his position as a councillor and Chair of Waldrige Parish Council to intimidate, bully and threaten members of his family, attempt to influence fellow councillors to help carry out a personal vendetta and demonstrate his power as a councillor by harming his daughter’s business.

### **Relevant Provisions of the Code of Conduct**

25. The allegations made by the Complainant potentially engage the following provisions of the Codes of Conduct for Members of Durham County Council and Waldrige Parish Council:
- Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially (Durham County Council)
  - Always treat people with respect (Durham County Council)
  - Behave in such a way that a reasonable person would regard as respectful (Waldrige Parish Council)
  - Not to bully or harass any person (Durham County Council)
  - Not act in a way which a reasonable person would regard as bullying or intimidatory (Waldrige Parish Council)
  - 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 (Durham County Council)
  - Not behave in a manner which a reasonable person would regard as likely to bring the Council, or his office as a member of the Council, into disrepute (Waldrige Parish Council)
  - Not seek to improperly confer an advantage or disadvantage on any person (Waldrige Parish Council).

## Cllr Sexton's Response

26. A copy of Cllr Sexton's response to the complaint appears at **Appendix 4**.
27. Cllr Sexton denies the allegations. He states that he has only spoken to [REDACTED] once, in approximately October 2022, and that was to challenge him for allowing his dog to wander on the Millennium Green 50 yards behind him whilst wearing headphones plugged into a device he was operating on the hood of a pushchair.
28. Cllr Sexton states that, when [REDACTED] entered the Millennium Green via [REDACTED], there was no dog in sight, and it was only after a minute or so that the dog appeared. It was only when he saw [REDACTED] hanging around that Cllr Sexton realised that it could be his dog. Cllr Sexton states that the video does not show the beginning of their interaction when, he maintains, he politely suggested that [REDACTED] may want to keep an eye on his dog to which he was told to mind his own business and asked, *"What the fuck has it got to do with you?"*
29. Cllr Sexton states that he did not initially introduce himself as a councillor but, after [REDACTED] initial response, he did identify himself as a councillor hoping that it would carry some weight. Cllr Sexton describes [REDACTED] as continuing to have a provocative attitude, hence he (Cllr Sexton) walked away. Cllr Sexton states that the video does not show the end of their interaction when, it is alleged, [REDACTED] continued to shout at him as he walked away.
30. Cllr Sexton denies telling [REDACTED] that he should not be wearing earphones or allowing his dog to run free. He states that they have no policy preventing this, provided owners can see their dogs and they are under control. Cllr Sexton points out that he himself has a dog that he allows to run off lead.
31. Cllr Sexton states that he is a trustee of the Millennium Green, there have been a lot of issues with dog fouling and ASB over the last 12 months and residents are constantly asking for action to be taken. He maintains that [REDACTED] only contested that the dog always went to the toilet in the same place, which Cllr Sexton considers to be nonsense, and did not contest that the dog was not under control. Cllr Sexton maintains that the dog could bite a child or foul without [REDACTED] knowing.
32. Cllr Sexton states that, had he known who [REDACTED] was and where he lived, he would have sought warden advice and encouraged them to pay him a visit. Cllr Sexton states that it is his belief, and that of other trustees and residents, that [REDACTED] can be irresponsible when walking his dog and "we" would not hesitate to ask wardens to intervene should his behaviour continue. Cllr Sexton compares [REDACTED] behaviour to that of teenagers who have been banned from the Millennium Green for wilfully vandalising and spraying graffiti on the children's play park and says that "we" would look at this option (banning) should anyone allow their dog to roam around unsupervised.

33. Cllr Sexton states that he has seen [REDACTED] dozens of times since the incident described above and has not engaged with him.
34. Cllr Sexton states that, on Saturday 22 April, he had visited his local convenience store and was in his car stopped at a junction when he heard someone shouting something similar to, "Oh no, not fucking you". This individual was holding his phone pointed towards Cllr Sexton when Cllr Sexton realised that it was the individual he had spoken to on the Millennium Green. Cllr Sexton states that he decided to speak to him, in order to try to understand why he feels the need to swear at him, or even engage with him, so turned his car around. However, he was not sure where he had gone (he assumed in the shop), so decided to leave and drove home.
35. Cllr Sexton denies parking up outside the shop. He states that he believes that [REDACTED] called the police and was talking to the shop owner when he first went inside the shop. He states that the shop owner has informed him that, when the police viewed the CCTV, they were not impressed. He denies having seen, or asking to see, the CCTV and states that the shop owner can confirm this.
36. In relation to [REDACTED] daughter, [REDACTED], Cllr Sexton states that, prior to telephoning her that evening, he had only spoken to her on one previous occasion, earlier this year, when she asked for help to find a plot of land she could use/purchase for dog training.
37. He maintains that councillors had agreed with a small majority to allow the first charity dog show to go ahead in 2022 but it was not mentioned that they wanted it to be an annual event, given that it was for a terminally ill man, until [REDACTED] asked him recently if they could run it again.
38. Cllr Sexton states that he called [REDACTED] at approximately 18:35/18:40 on the evening of 22 April. He denies telling her that he would stop any future expansion of her business. He also denies that the call left her distraught and maintains that "they" could be heard laughing at the end of the video.
39. Cllr Sexton denies that [REDACTED] varied his dog walking route the following day (23 April) to try to avoid him and has produced CCTV clips (dated 19, 20, 24, 25 and 26 April) showing [REDACTED] taking the same route.
40. In relation to the text message sent to [REDACTED] on Sunday 23 April, Cllr Sexton states that the shop owner telephoned him that day saying that he had spoken to [REDACTED] who wanted to shake hands and forget about it and had specifically requested that Cllr Sexton contact his wife. Screenshots of the exchange of text messages have been provided and appear at **Appendix 5**.
41. Cllr Sexton disputes that [REDACTED] did not open her business as usual on Monday 24 April. He states that another parish councillor had a 9.30am appointment that day but was told that [REDACTED] had a meeting regarding use of some land for her dog training plans.

42. Cllr Sexton has provided copy correspondence with the police indicating that he telephoned a PSCO on 26 April asking for advice because he thought that someone had made a complaint about him. He was advised to call 101 and not to involve himself in any potential enquiries the police may have. Subsequently, on 30 May 2023, the police wrote to Cllr Sexton confirming that they had completed their enquiries, no supporting evidence had been identified to progress matters and they were closing their investigation. A copy of this correspondence appears at **Appendix 6**.

### Decision

43. The Governance Lawyer has decided that this complaint should be referred to a Standards Committee Hearing Panel.

### Reasons for decision

44. I have carefully considered both [REDACTED] complaint and Cllr Sexton's response.
45. The Code of Conduct for Members applies whenever a councillor:
- (a) Conducts the business of the Council (including the business of their office as an elected member); or
  - (b) Act, claim to act or give the impression they are acting as a representative of the Council.
46. The video taken of Cllr Sexton and [REDACTED] son-in-law shows Cllr Sexton identifying himself as a councillor and stating, *"The next time you do that, the wardens will be at your door, and you'll not be allowed back on"* and, when [REDACTED] states that his children play on the Millennium Green, Cllr Sexton says, *"Yes? For how long?"*
47. Cllr Sexton himself states that the reason that he identified himself as a councillor was so that what he was saying would *"carry some weight"*, and his intention to use his position as a councillor was plainly not lost on [REDACTED] who replied, *"Walk round flexing saying you're a councillor", "and you're a councillor, behaving like this?"*
48. In my opinion, the Code of Conduct for Members is clearly engaged in relation to the incident involving [REDACTED] son-in-law. Cllr Sexton expressly identified himself as a councillor and implied that he had authority to both direct neighbourhood wardens and ban individuals from the Millennium Green.
49. It is also my opinion that Cllr Sexton's conduct during his exchange with [REDACTED] son-in-law, as shown on the video recording, was disproportionate and disrespectful. [REDACTED] may well have been looking at his mobile phone, and his dog may well have been lagging behind, but he was plainly a father pushing a child in a pushchair with an apparently well-behaved dog that had

not in fact fouled or done anything else wrong. When ██████ tried to explain that the dog was well-behaved, had an established routine, and had already toileted, Cllr Sexton made no apparent attempt to listen to, or take account of, what he was saying. To the contrary, Cllr Sexton appeared disdainful and, when ██████ disagreed with him, quickly escalated to shouting, threatening to involve wardens and to have him banned from the Millennium Green.

50. Whilst there may have been issues with dog fouling on Millennium Green, which may go some way to explaining Cllr Sexton's frustration with someone he felt was not paying adequate attention to what his dog was doing, councillors are nevertheless expected to be respectful when they engage with members of the public.
51. Turning to the second incident involving the Complainant's son-in-law, on the evening of 22 April 2023. It is Cllr Sexton's position that he turned his car around and followed ██████ because he wanted to speak to him but then changed his mind. Plainly, something caused ██████ to call the police and ask to view the shop's CCTV. However, the matter has been considered by the police, who have decided to take no further action in respect of it; and I do not consider it appropriate to go behind that decision in circumstances where there is no evidence to suggest that Cllr Sexton was acting in his capacity as a councillor at the relevant time. It is Cllr Sexton's case that he was on his way home from the shop and that this was a chance encounter; and I have no reason to suppose otherwise.
52. Nevertheless, whatever happened in the street clearly informed Cllr Sexton's decision to, shortly afterwards, call ██████ wife, ██████, and during that call, Cllr Sexton very clearly, and repeatedly, identified himself as a councillor and purported to be acting as such, for example, "*as Chair and as a local County Councillor ...*".
53. During his conversation with ██████ Cllr Sexton referred to the previous incident with her husband and stated, "*He was rude and he continues 6 months later to continue doing it. So, the reality is, I'll be bringing it to Council about barring him from the Millennium Green. ... And that's because he's just done it again tonight as I come out of Costcutter ...*".
54. In my opinion, threatening to use your position as Chair of the Parish Council to seek to ban someone from using the Millennium Green because "*he was rude*" is unreasonable and a misuse of Cllr Sexton's position as a councillor. Cllr Sexton appears to be arguably threatening to use a power intended to control dog-fouling and antisocial behaviour on Millennium Green because he did not feel respected by ██████ when he saw him in the street near Costcutter, and not because he had allowed his dog to foul or otherwise behave in an antisocial manner whilst using Millennium Green. Whatever happened outside Costcutter, it did not happen on the Green.
55. Cllr Sexton describes ██████ as being of "*the same ilk*" as her husband and tells her, amongst other things, that he has already spoken to parish councillors about it and the parish council do not think it prudent that she hold



her charity event on the Millennium Green because her husband does not keep his eye on their dog at all times. When [REDACTED] protests, "You've got a personal problem with my husband. You can't punish my business and you can't punish my charity", "This is bullying", "That's nothing to do with me and my business though". Cllr Sexton tells her:

*"Maybe somewhere you need to have a word with your husband ... after what he's just done today ... to goad me and laugh at me, right, provocatively, well, you know, this is a consequence of this ... I don't think it's prudent for your business, whether it's a charity or not, I'm sorry for that, but you need to have a word with your husband. If he rings me up and apologises, I'll shake hands with him. If he doesn't want to, you've got your own answer. ... as Chair and as a local county councillor, I am not going to support that on the Green, whether it's for charity or not, and, if you turn this against me, I'll then go public and say, well the reason why is this, to defend myself."*

56. That, in my view, does not evidence fair and reasonable consideration by the Chair of the Parish Council of the merits of a local businesswoman's application to use the Millennium Green to hold a charity event. To the contrary, it appears to be an unfair and unreasonable exercise of Cllr Sexton's power as a parish councillor based on a dislike of the applicant's husband. In my opinion, Cllr Sexton has demonstrated bias.
57. The Procedure for Member Code of Conduct Complaints provides, at paragraph 3.4, for four possible outcomes following an initial assessment of a complaint. The Monitoring Officer or someone deputising on their behalf may 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.
58. I do not consider this complaint suitable for either no further action or informal resolution. If the allegations are accepted, they are of a serious nature. I also do not consider referral for further investigation to be either necessary, or a proportionate use of Council resources. Whilst accepting that there are some areas of factual dispute, these are confined to peripheral issues. The key evidence is the video recording of Cllr Sexton's telephone conversation with [REDACTED].
59. It is my opinion that a Standards Committee Hearing Panel should be convened to consider this complaint and consider whether Cllr Sexton has breached any of the following provisions of the Code of Conduct for Members of Waldrige Parish Council, and the corresponding provisions of the Code of Conduct for Members of Durham County Council:

- (1) Deal with representations or enquiries from residents fairly, appropriately and impartially;
- (2) Behave in such a way that a reasonable person would regard as respectful;
- (3) Not act in a way which a reasonable person would regard as bullying or intimidatory;
- (4) Not behave in a manner which a reasonable person would regard as likely to bring the Council, or his office as a member of the Council, into disrepute;
- (5) Not seek to improperly confer a disadvantage on any person.

### **Views of the Independent Person**

60. 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.”*

61. The Governance Lawyer has consulted the Independent Person in respect of the recommendation set out in this Decision Notice.

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

*“I was asked by the Governance Lawyer to review, and offer an opinion on a complaint received from [REDACTED] alleging bullying and intimidatory behaviour directed at his daughter [REDACTED] by Cllr Paul Sexton, who is both an elected member of Durham County Council and the chair of Waldrige Parish Council.*

*Neither the complaint, nor the councillor's response contains the surname of [REDACTED] daughter and son in law.*

*The complaint is based on heated interactions between the councillor and [REDACTED] son in law [REDACTED] which took place in public whilst [REDACTED] was exercising his dog and concern what is appropriate behaviour when exercising dogs on public land.*

*These discussions led to a further telephone interaction between the councillor and [REDACTED] and it was this second interaction which prompted the formal complaint from [REDACTED]*

*There is video evidence of the interaction in public, and also of a phone call between Cllr Sexton and [REDACTED].*

*As a responsible dog owner I will say that the actions of some less responsible individuals causes all responsible owners great annoyance and frustration.*

*Both the County Council and local councils have regulations in place around acceptable behaviour, which is enforced by properly trained Dog Wardens, supported if necessary by the police, and it is incumbent on responsible citizens to avail themselves of these enforcement facilities where appropriate.*

*For an individual member of the public to attempt to chastise another risks confrontation and a possible breach of the peace.*

*This appears to be the case here. The initial confrontation was between two members of the public, only when the matter became heated did Cllr Sexton identify himself as an elected member, presumably in an attempt to gain ground in the argument.*

*In my view Cllr Sexton could express disapproval at the behaviour of another dog in a private capacity, but it is not the role of an elected member to enforce legislation.*

*For Cllr Sexton to then escalate the matter in the way alleged appears inappropriate and totally ultra vires. The allegations appear both callous and vindictive.*

*I fully support the decision of the Governance Lawyer to refer the matter to a hearing of the Standards Panel."*

## **Right of Appeal**

63. 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 Waldrige Parish Council](#)
- [Code of Conduct for Members of Durham County Council](#)
- [Procedure for Member Code of Conduct Complaints](#)

This decision notice is sent to the Complainant, the Clerk to Waldrige Parish Council and the Member against whom the allegations were made.

**Jayne La Grua**  
**Governance Lawyer**

**26 July 2023**

## APPENDIX 1 - COMPLAINT

23 April 2023

Complaint about Bullying, Intimidation and Threatening Behaviour By Councillor Sexton towards my daughter [REDACTED].

This sorry story starts off when [REDACTED] was pushing his young son in the pushchair round the Millennium Green and exercising his dog, whilst listening to music through his ear pods. As is usual the dog has been taken out and had defecated in more or less the same place as he does most days. This is, of course, picked up and bagged. They then walked round to the Green where the dog was allowed to exercise off the lead. [REDACTED] was surprised to see a man with a dog walk quickly up to him and start remonstrating to him about his not having his dog under control and watching his iPad. [REDACTED] called in his dog who immediately returned to his side and sat. He asked what he was talking about, where is this iPad he is supposed to be watching (quite a feat while pushing a pushchair), who the person is and what this has to do with him. He then said that he was Councillor Paul Sexton and that [REDACTED] should have his dog under control so he could pick up after it. [REDACTED] replied that he has shown that his dog is very well trained and is under control and has already defecated as is his habit just about every day, and if the dog unusually does it again [REDACTED] will see him, has bags and will pick up and bin. Sexton starts to get agitated at this stage, telling [REDACTED] that he shouldn't have earphones in nor let his dog run free and does not believe [REDACTED] explanation. [REDACTED] then asks Sexton if he has problems or if he got out of the wrong side of bed this morning and tries to walk off. Sexton then threatens [REDACTED] with Wardens at his door if he does that again and says that [REDACTED] is acting illegally. He then says he Hates irresponsible people and admits shouting at [REDACTED] and walks off. You can see most of this on the recording. [REDACTED] has, since then passed Sexton on the Millennium Green on many occasions and has totally ignored him and not spoken to him.

The following is all confirmed by CCTV which [REDACTED] has been allowed to view in the presence of the person registered with the ICO.

On Saturday evening 22nd April 2023 [REDACTED] walked round from his home on [REDACTED] to Costcutters on [REDACTED]. He noticed a car waiting to pull out into [REDACTED] and [REDACTED] walked behind the car, not noticing that the driver was Sexton. [REDACTED] surmises that Sexton recognised him as Sexton has then driven out of the junction, performed a 360 turn on the main road and quickly attempted to chase [REDACTED] towards Costcutters, banging hard up the kerb with his car in his haste. He missed [REDACTED] so he has parked up outside the shop for the second time, this time without entering the shop to make forgotten purchases or anything, obviously waiting for [REDACTED], so as to accost him when he leaves the shop. [REDACTED] does not come out for a time, so Sexton leaves and proceeds again towards the junction. [REDACTED] had by then recognised Sexton

in the car and waited until Sexton drove away before leaving the shop, out of fear. [REDACTED] eventually leaves the shop and takes a right going home quickly in the opposite direction to Sexton and to the green area where Sexton could not take his car and also so as not to betray his address to Sexton. As [REDACTED] gets to the grassed area which cars cannot enter, opposite the Garden Farm pub, he sees that Sextons car has again re entered [REDACTED] from [REDACTED].

He then drives along to the said car park and must see [REDACTED] is in a safe space on the grass where Sexton cant accost him so he drives off and does not re enter the shop at any time. He then must have formulated his plan to teach [REDACTED] a lesson by phoning his wife to Threaten, Bully and Intimidate her instead. This is all fully corroborated by the CCTV

We move now to the second recording of a video call made to a young mother late on yesterday evening. What possible reason could Sexton have to make this call other than, as you will hear, to Intimidate, Bully and Threaten [REDACTED] because her husband did not bow down to Sextons power as a councillor and, as verified by CCTV he was not able to accost [REDACTED] last night and so Sexton decides to Intimidate, Bully and Threaten his wife instead, thinking he has found a softer target in a young mother.

Later that same evening Sexton made the threatening video call to [REDACTED] most of which is the second recording. He starts off again by going over old ground about his altercation with her husband. He then tells [REDACTED] that he will stop her 2nd annual charity dog show on the Green. This was a great success last year, well attended and enjoyed. It raised lots of money which was split between Stray Aid and so that a local man could take his family on a break as he is terminally ill. He tells her the outcome of a council meeting about the show and informs them that it is your husband that Sexton has a problem with and that is the reason he will be stopping the show going ahead. He has also said that he will stop any future expansion of [REDACTED] business and he will get the wardens to ban [REDACTED] completely from the Green.

[REDACTED] rang us and we had to leave a local restaurant last night to try and console her as she was quite distraught by this bullying and intimidation. Sexton obviously thinks that because [REDACTED] is not rising to his bait that he can easier intimidate, threaten the livelihood and bully his wife for some perverted reason. She is still suffering mentally this morning after a horrible night and is too anxious to even open the doors of her business at the bottom of Chester le Street tomorrow, in fear of this Bully turning up to further intimidate her.

Sexton is using his position as councillor and chair to intimidate, Bully and Threaten members of my family, who at the moment are too traumatised to even voice this complaint. Sexton is using his position to influence fellow councillors and pervert the

normal course of meetings to help carry out his personal vindictive course of action against the wife of someone he has taken umbrage against and is attempting to cause harm to him and his family by demonstrating his power in adversely affecting his wife's life and business.

██████, the person Sexton has a problem with, is a cool calm and measured chap and maybe because he can't goad him into reacting this is why he is escalating the situation this way and Bullying and Threatening his wife. This is neither fair nor right and I will not allow my family to be intimidated this way.

Sexton even contacted Costcutters later that evening and again using his power as a councillor demanded the CCTV from the owner of ██████ "threatening" him earlier. There are no threatening actions on the CCTV because there was no threats made. Sexton remained in his car at all times. The CCTV will, however show ██████ entering and leaving the shop while Sextons car travels back and forth along the road attempting to accost him

I'm not entirely sure, yet, about the laws regarding council officials demanding the CCTV from Costcutters. I don't think these images can be viewed ad hoc and on demand. Wether he can make an request to view in the presence of the person registered with the ICO i am not yet sure of, as Sexton is not acting as a member of the public, rather as a councillor, but of course ██████ will be able to act under the same rules.

Please view the attachments in full and I would like your thoughts in the next 7 days if possible. Sexton should be thoroughly ashamed of himself, and you all need to think about wether this person is the right person to be a councillor, let alone the Chair of the council. Power and influence should not be the reason for serving as a councillor, nor should that power be used to Influence others to carry out personal vendettas, nor to intimidate, threaten and bully innocent females. You need to ask yourselves, why would this councillor make a late night video call to a young mother, is this to further increase the intimidation factor?

Just an update today Mon 24 Ap.

█████ went round the Green this morning as usual, but 40 mins outside of his usual time. He entered and left by different exits and the whole time Councillor Sexton was there, stationary, staring at █████.

My Daughte █████ has had a very bad night again due to worry about Sexton telling her that he will stop her Charity Dog Show and block any expansion to her Business and is too anxious to open her business today. She feels vulnerable and frightened in case Sexton walks in. He has sent her a weird text yesterday and she replied telling him not to contact her.

█████ suffers from Mollarets Meningitis, this is brought on by periods of high stress and anxiety and necessitates immediate admission to hospital for high strength IV antibiotics, steroids and lumbar punctures. This is brought on mainly by high stress, anxiety and if she lets herself get “run down” in any way. She also has a form of Spina Bifida. This bullying is doing her physical and mental health no good at all.

This man must be stopped from persecuting my family.

Video1.mp4

Video2.mp4



## APPENDIX 2

## Transcript of video recording of meeting between Cllr Paul Sexton and [REDACTED]

[REDACTED]	Have you had a bad day?
<b>Cllr Sexton:</b>	The next time you do that, the wardens will be at your door, and you'll not be allowed back on.
[REDACTED]	What? The dog had a poo before we got onto the field. Why are you having a go at me?
<b>Cllr Sexton:</b>	Legally, you have to keep an eye on your dog.
[REDACTED]	Dude, he's fine man.
<b>Cllr Sexton:</b>	Get off your phone.
[REDACTED]	He's fine. Have you woke up in a bad mood? Has something bad happened to you? Are you just taking it out on me?
<b>Cllr Sexton:</b>	No, I just hate irresponsible people.
[REDACTED]:	Irresponsible? I'm walking the dog with the bairn.
<b>Cllr Sexton:</b>	Children play on there.
[REDACTED]:	My children play on there.
<b>Cllr Sexton:</b>	Yes? For how long?
[REDACTED]:	Look, there's no problem, dude.
<b>Cllr Sexton:</b>	Don't call us dude, either.
[REDACTED]:	There's no problem, sir.
<b>Cllr Sexton:</b>	Keep an eye on your dog.
[REDACTED]	Walk round flexing saying you're a councillor.
<b>Cllr Sexton:</b>	No, because you were quite rude actually.
[REDACTED]:	No ...
<b>Cllr Sexton:</b>	I politely asked you.
[REDACTED]	How did, you didn't politely ask me?
<b>Cllr Sexton:</b>	I did. I said ...
[REDACTED]	You just came running up behind me, shouting at us.
<b>Cllr Sexton:</b>	No, I didn't. I said, "Would you mind keeping an eye on your dog?" and you went "Mind your own business".

██████	Uh-huh. Mind your own business ...
<b>Cllr Sexton:</b>	It is my business.
██████	... because the dog hasn't had a poo on the field so why are you starting on me?
<b>Cllr Sexton:</b>	How would you know? You weren't even watching.
██████	Because he had one before I got on the field.
<b>Cllr Sexton:</b>	He only has one, does he?
██████	Uh-huh.
<b>Cllr Sexton:</b>	Ah, he only ever has one poo, does he?
██████	And you're a councillor, behaving like this?
<b>Cllr Sexton:</b>	Yeah, I am a councillor. Because I'm challenging irresponsible dog owners like you.
██████	You're shouting at me.
<b>Cllr Sexton:</b>	Yeah, I am shouting at you.
██████:	I thought you were being polite?
<b>Cllr Sexton:</b>	I was at first, until you got arrogant and rude.
██████	I'm not being arrogant and rude, anyway.
<b>Cllr Sexton:</b>	I think you are arrogant and rude.
██████:	Aye, this will be going all over socials.
<b>Cllr Sexton:</b>	I beg your pardon?

## APPENDIX 3

## Transcript of video call between Cllr Paul Sexton and [REDACTED] 22 April 2023

[REDACTED]	I'm sorry Paul, right, I'm sorry Paul, we've got a very well-trained gun dog. I can tell you exactly where he poos every day. Every day, I can tell you where he poos.
<b>Cllr Sexton:</b>	And that's what he said and, look, you can't, OK, you can't do that.
[REDACTED]	No, I can.
<b>Cllr Sexton:</b>	You can't.
[REDACTED]:	I can and I can guarantee it to you.
<b>Cllr Sexton:</b>	[REDACTED], you can go on as much as you want. Your husband, clearly you and your husband are of the same ilk. You've got a trained dog and it does its business, everything the same day, he told me that. I've got a dog. I've got a cocker spaniel the same and, trust me, they poo in different places on occasion.
[REDACTED]:	Regardless, you've got a personal problem with my husband. You can't punish my business and you can't punish my charity. I run a charity show for a terminally ill man on the Millennium Green.
<b>Cllr Sexton:</b>	And that's fine but you can just do it elsewhere.
[REDACTED]:	No, it's not fine. This is bullying, Paul, this is bullying.
<b>Cllr Sexton:</b>	Maybe somewhere you need to have a word with your husband about the way he behaves towards people, right, who politely ask him. A normal person, [REDACTED], would have said "oh, sorry". Yeah, you know, he's on his iPad, for God's sake. He's never looked at the dog. You know, so, he may poo somewhere on occasion elsewhere than you think he does. You know, I'm coming out, I've worked really hard today for residents, right, really hard for residents, helping them out, and some really serious situations. I go to get a bit of supper, I come out and I'm being goaded like every time I walk Archie around, when he walks past me. It's childish. I spoke to the parish councillors about this already and they were split anyway as whether they should because, when I identified it was this young gentleman who gave me a mouthful of abuse and videoed me, right, because I challenged him, the natural thing, [REDACTED], when somebody tells you is to say, "oh, sorry, mate, I got side-tracked", not "who the hell are you?" and, you know, "you've got out of the wrong side of bed in the morning". No, I haven't, I'm actually challenging you because you're not looking after your dog. And you're a dog trainer and you should know the law is you keep an eye on your dog at all times. He is

	not. So, I'm going to leave it there. I'm sorry, because I don't want to fall out with people, but your husband has an attitude problem with me because I dared to challenge him.
██████:	Well, I think you've got a personal problem with my husband and you're punishing a charity.
<b>Cllr Sexton:</b>	Your husband has a personal problem with me.
██████:	Well, regardless of who's got the problem, I don't think, it's not professional to punish my business and my charity.
<b>Cllr Sexton:</b>	It's not professional for somebody who's in the dog walking industry and dog training industry to defend their husband who's on an iPad.
██████:	I'm not defending him. I'm saying the dog wont poo. Whatever my husband's done, or hasn't done, that's a completely separate issue. The only thing I'm saying, you've got no problem with my dog fouling because he will not. He only poos ...
<b>Cllr Sexton:</b>	Let's put it this way, if you ended up in the magistrates' court or with a fixed penalty notice and you said that, they'd say, "I'm sorry but that's not watertight, your dog will poo at any moment it needs to poo."
██████:	Did he poo?
<b>Cllr Sexton:</b>	I'm not bothered. It's not about pooing. It's about keeping an eye on your dog at all times, ██████. Your husband doesn't do it. He has his earphones in.
██████:	That's nothing to do with me and my business though.
<b>Cllr Sexton:</b>	Yes, but the Parish Council have said, right, that they don't think it's prudent if your husband is doing what he's doing. The irony is not lost on us, and what I'm saying is, I didn't want to have this conversation and I actually defended you yesterday when we were talking about it and said "well, you know, it's not her" but, after what he's just done today, in the last 10 or 15 minutes while I'm just going about business, heading home, to goad me and laugh at me, right, provocatively, well, you know, this is a consequence of this. I'm fed up with him doing it, so the likelihood is, I will be speaking to wardens, and I will be speaking to people, and we will be speaking to him on an official capacity, and we've already barred people from the Millennium Green, it's a private trust and, if he continues to play on his phone and continues to goad people who challenge him, he will be barred. Simple as that. So, I don't think it's prudent for your business, whether it's a charity or not, I'm sorry for that, but you need to have a word with your husband. If

	he rings me up and apologises, I'll shake hands with him. If he doesn't want to, you've got your own answer.
██████:	It's completely separate from my business. I'm really disappointed that I feel like you're using your position to punish me for something I haven't done. But that's ok, Paul, if you want to do that, then that's on your conscience. That's absolutely fine. The only person that's going to suffer here is the charity.
<b>Cllr Sexton:</b>	And that's a lovely little bit of leverage on me but, you know, the reality is, ██████, your husband has an issue with me, not the other way around. I ignore him. I smile at him. He doesn't want to speak to me, but he then goads me.
██████:	I mean, I think there is an issue because you're now punishing me.
<b>Cllr Sexton:</b>	No, no, there's an issue on his behalf because everybody has a limit, right. Now I live here, I'm 56 years old. In comparison to him, I've been, seen it and done it, right. He needs to lighten up. I've challenged him. He was in the wrong and, instead of descending that your dog only poos in one particular place all the time is a nonsense. But, anyway, even if it does or doesn't poo in a particular place, he's supposed to keep an eye on it, right, and he doesn't. He walks around on his phone or on his iPad, with his headphones in, and the dog's miles behind him. Generally, not all the time. And I've challenged him once and got a mouthful of abuse and he videoed me and I told him put it on [unintelligible] and I'll find out who you are. He was rude and he continues 6 months later to continue doing it. So, the reality is, I'll be bringing it to Council about barring him from the Millennium Green.
██████:	OK. No problem.
<b>Cllr Sexton:</b>	OK. And that's because he's just done it again tonight as I come out of Costcutter, ██████. I'm not a bad person. I'm not a bad person but I don't like people who continue to have issues with somebody who's genuinely challenged somebody, and a natural person would have said, "oh, sorry, mate, I'm a bit side-tracked, apologies", you know, etc, etc. Not "who the f* are you?", which is what he said at the time. So, I'm sorry, ██████, but ...
██████	If he's recorded it, I'll have a look at the video. On his behalf, if he's sworn then I apologise. I don't agree with swearing. But, generally, ██████ quite a reserved character. I'm not denying that this happened but ...
<b>Cllr Sexton:</b>	I'll let you have a word with him. I don't want to cause problems between the two of you. So, if it's not worth it, it's not worth it, but, at this moment in time, as Chair and as a local County Councillor, I am not going to support that on the Green, whether it's for charity

	or not, and, if you turn this against me, I'll then go public and say, "well the reason why is this" to defend myself.
██████	That's fine. That's absolutely fine.
<b>Cllr Sexton:</b>	OK. So, you know, I'll leave it with you. Again, I didn't want to do this.
██████:	That's alright Paul. I've also recorded this call, just to let you know, so I've got that.
<b>Cllr Sexton:</b>	Well, that's fine. So have I. So have I. Toodle-pip. Bye.

## APPENDIX 4 – RESPONSE

**From:** Cllr Paul Sexton  
**Sent:** 15 May 2023 08:30  
**To:** Lucy Gladders; Jayne La Grua  
**Cc:** Cllr Paul Sexton  
**Subject:** RE: Complaint - Alleged Breach of Members Code of Conduct - COM 418

Lucy, Jayne,

Thanks, I will [answer](#) as follows:

*In summary, the complaint alleges that you have bullied the Complainant's daughter, [REDACTED] and her husband, [REDACTED]. I understand that [REDACTED] is a local business owner, who wishes to hold a charity event on the Millennium Green, of which Waldridge Parish Council are trustees. I completely refute the allegations of bullying [REDACTED] or her husband [REDACTED].*

I have only spoken to [REDACTED] once and that was to challenge him for allowing his Dog to wander on the Millennium Green (MG) some 50 yards behind him, whilst he was wearing headphones, plugged into a device he was operating on the hood of the Pushchair. The video shows the latter/middle part of our engagement, however, when I initially engaged [REDACTED] politely, suggesting he may want to keep an eye on his Dog, he told me to mind my own business and what the 'F' has it got to do with you. You'll also notice the video ends abruptly, as I'm walking away with my own dog (I live in the houses opposite, in view) as he states this is going on socials (assume social media) and continues to argue and shout as I'm walking away. [REDACTED] uses the MG daily, as do many of us, so I have seen him dozens of times since this first video was taken (circa Oct 2022) and I have not engaged with him since.

In relation to [REDACTED], I have only spoken to [REDACTED] twice, once earlier this year, where she asked for my help to find a plot of land she could use/purchase for dog training. The second time is the video call you attached.

*The first video clip shows an interaction between yourself and [REDACTED] in which you identify yourself as a councillor, state that [REDACTED] is an irresponsible dog owner because he is not keeping an eye on his dog and that, the next time it happens, the wardens will be at his door and he will not be allowed back on the Millennium Green. I'm a trustee of the MG and we have had lots of dog fouling/ASB over the last 12 months. Residents are constantly asking us to act and indeed some residents challenge other dog walkers when they don't pick up or have their dogs under control, given we want to keep the place safe for children/all who play on there. I had not initially introduced myself as a Cllr, but after [REDACTED] initial response, I did, hoping it would carry some weight, however, as you can see, he didn't care and continued with a provocative attitude. Hence, I walked away.*

Equally, [REDACTED] admits his dog only has one visit to the toilet each day and always in the same place, so he wasn't contesting his dog was not under control, just that he

wouldn't go to the toilet a second time, which of course is nonsense. You MUST keep your dog under control, given it could bite a child or foul without you knowing. I didn't know [REDACTED] name until very recently, however, had I known who he was/where he lived, at the time (1<sup>st</sup> video) I would have sought warden advice and encouraged them to pay him a visit, which would hopefully make him understand and encourage him to keep his dog under control.

It is my belief and that of other trustees and residents, that [REDACTED] can be irresponsible when walking his dog and we would not hesitate to ask wardens to intervene, should his behaviour continue. Equally, we have already suspended access to the MG for teenagers who wilfully vandalised and sprayed rude graffiti on our children's play park, so we would again look at this option, should anyone continue to allow their dog to roam around unsupervised.

*It is then alleged that you later saw [REDACTED] in the street and followed him in your car. CCTV is said to confirm this.*

On Saturday 22<sup>nd</sup> April 2022, I visited my local convenience store (Costcutter) to buy some breakfast foods. When I left and drove to the junction to turn right, I heard someone shout something (oh no not f...ng you or something like that) with his phone appearing to be pointed towards me and then realised it was this chap from the MG. I decided to speak to him and try and understand why he appears to have an issue with me, so I turned the car around, in the hope we could reconcile the relationship. However, I decided not to speak to him and drove home.

Letter of Complaint from [REDACTED] – My responses as follows -

Complaint about Bullying, Intimidation and Threatening Behaviour By Councillor Sexton towards my daughter [REDACTED]. This sorry story starts off when [REDACTED] was pushing his young son in the pushchair round the Millennium Green and exercising his dog, whilst listening to music through his ear pods. As is usual the dog has been taken out and had defecated in more or less the same place as he does most days. This is, of course, picked up and bagged. They then walked round to the Green where the dog was allowed to exercise off the lead. [REDACTED] was surprised to see a man with a dog walk quickly up to him and start remonstrating to him about his not having his dog under control and watching his iPad ([REDACTED] entered the MG via Barford drive, with no Dog in sight, it was only after a minute or so the dog appeared and [REDACTED] was way ahead, so I genuinely believed someone else would walk around the corner with a lead in hand at any minute. It was only as I walked back towards the Chillingham Drive exit (where I live) that I saw [REDACTED] hanging around and then realised it could be his dog. This is when I politely engaged with him, but he was rude to me, shouting what has it got to do with you, mind your own business and then you see the later part of the minute or two engagement as part of the [REDACTED] encounter on the first video. NOTE - It takes around 4-5 minutes to walk from [REDACTED] to [REDACTED], so the claim I immediately engaged him is just not true. Why would I, there was no Dog in sight when [REDACTED] first entered the MG. [REDACTED] called in his dog who immediately returned to his side and sat. He asked what he was talking about, where is this iPad he is supposed to be watching (quite a feat while pushing a pushchair), who the person is and what this has to do with him. He then said that he was Councillor Paul Sexton and that [REDACTED] should have his dog under control so he could pick up after it. [REDACTED] replied that he has shown that his



dog is very well trained and is under control and has already defecated as is his habit just about every day, and if the dog unusually does it again [REDACTED] will see him, has bags and will pick up and bin it. Sexton starts to get agitated at this stage, telling [REDACTED] that he shouldn't have earphones in (not true, he can wear them, as long as he can see/control his dog) nor let his dog run free (not true, I let my dog run off the lead, we have no policy preventing this) and does not believe [REDACTED] explanation. [REDACTED] then asks Sexton if he has problems or if he got out of the wrong side of bed this morning and tries to walk off (as you can see by the video, he certainly doesn't walk off, I'm actually walking away, as he video's me and shouts this is going on socials). Sexton then threatens [REDACTED] with Wardens at his door if he does that again and says that [REDACTED] is acting illegally. He then says he Hates irresponsible people and admits shouting at [REDACTED] and walks off. You can see most of this on the recording. [REDACTED] has, since then passed Sexton on the Millennium Green on many occasions and has totally ignored him and not spoken to him. I'd like to add, [REDACTED] was not there and has received this information via his son-in-law and a partial video, which only shows part of the conversation and has been cut short, given [REDACTED] continued to argue and shout at me as I walked to my home.

The following is all confirmed by CCTV which [REDACTED] has been allowed to view in the presence of the person registered with the ICO. On Saturday evening 22nd April 2023 [REDACTED] walked round from his home on [REDACTED] to Costcutters on [REDACTED]. He noticed a car waiting to pull out into [REDACTED] and [REDACTED] walked behind the car, not noticing that the driver was Sexton (incorrect, I was actually looking passed the person on the footpath coming towards me, so I could see if the coast was clear and I could pull out, it was then he appeared to raise his phone and shout something at me, with an expletive in the sentence. It was then I realised it was [REDACTED]). [REDACTED] surmises that Sexton recognised him as Sexton has then driven out of the junction, performed a 360 turn on the main road and quickly attempted to chase [REDACTED] towards Costcutters, banging hard up the kerb with his car in his haste (I did turn around to speak to [REDACTED] and ascertain why he feels the need to swear at me or even engage with me). He missed [REDACTED] so he has parked up outside the shop for the second time ( I did not park up for a second time, I was not sure where [REDACTED] had gone, assumed it was in the shop, so thought I would leave it), this time without entering the shop to make forgotten purchases or anything, obviously waiting for [REDACTED], so as to accost him when he leaves the shop (Absolute nonsense and I believe [REDACTED] called the Police, who viewed the CCTV and the shop owner, [REDACTED], informs me the officers were not impressed, when they viewed the CCTV on the Monday. I've heard nothing from the Police about this to date). [REDACTED] does not come out for a time, so Sexton leaves and proceeds again towards the junction. [REDACTED] had by then recognised Sexton (Again untrue, he was apparently talking to the Shop owner about it when he first went into the shop) in the car and waited until Sexton drove away before leaving the shop, out of fear.. [REDACTED] eventually leaves the shop and takes a right going home quickly in the opposite direction to Sexton and to the green area where Sexton could not take his car and also so as not to betray his address to Sexton. As [REDACTED] gets to the grassed area which cars cannot enter, opposite the Garden Farm pub, he sees that Sextons car has again re entered [REDACTED] from [REDACTED]. He then drives along to the said car park and must see [REDACTED] is in a safe space on the grass where Sexton cant accost him so he drives off and does not re enter the shop at any time (Again, this is not true).

He then must have formulated his plan to teach ██████ a lesson by phoning his wife to Threaten, Bully and Intimidate her instead. This is all fully corroborated by the CCTV We move now to the second recording of a video call made to a young mother late on yesterday evening ([The call was made at 18:35/40, early evening](#)). What possible reason could Sexton have to make this call other than, as you will hear, to Intimidate, Bully and Threaten ██████ because her husband did not bow down to Sextons power as a councillor and, as verified by CCTV he was not able to accost ██████ last night and so Sexton decides to Intimidate, Bully and Threaten his wife instead, thinking he has found a softer target in a young mother. Later that same evening Sexton made the threatening video call to ██████, most of which is the second recording. He starts off again by going over old ground about his altercation with her husband. He then tells ██████ that he will stop her 2nd annual charity dog show on the Green ([Cllrs had agreed with a small majority to allow the first event to go ahead in 2022, it was never mentioned they wanted it to be an annual event, given it was for a terminally ill man, until ██████ recently asked me could they run it again](#)). This was a great success last year, well attended and enjoyed. It raised lots of money which was split between Stray Aid and so that a local man could take his family on a break as he is terminally ill. He tells her the outcome of a council meeting about the show and informs them that it is your husband that Sexton has a problem with and that is the reason he will be stopping the show going ahead. He has also said that he will stop any future expansion of ██████ business ([not true](#)) and he will get the wardens to ban ██████ completely from the Green. ██████ rang us and we had to leave a local restaurant last night to try and console her as she was quite distraught by this bullying and intimidation ([Again, judge for yourselves, you can clearly hear them laughing at the end of the video](#)). Sexton obviously thinks that because ██████ is not rising to his bait that he can easier intimidate, threaten the livelihood and bully his wife for some perverted reason. She is still suffering mentally this morning after a horrible night and is too anxious to even open the doors of her business at the bottom of Chester le Street tomorrow, in fear of this Bully turning up to further intimidate her.. Sexton is using his position as councillor and chair to intimidate, Bully and Threaten members of my family, who at the moment are too traumatised to even voice this complaint. Sexton is using his position to influence fellow councillors and pervert the normal course of meetings to help carry out his personal vindictive course of action against the wife of someone he has taken umbrage against and is attempting to cause harm to him and his family by demonstrating his power in adversely affecting his wife's life and business. ██████ the person Sexton has a problem with, is a cool calm and measured chap and maybe because he can't goad him into reacting this is why he is escalating the situation this way and Bullying and Threatening his wife. This is neither fair nor right and I will not allow my family to be intimidated this way. Sexton even contacted Costcutters later that evening and again using his power as a councillor demanded the CCTV from the owner of ██████ "threatening" him earlier. ([Again untrue, I have never seen the CCTV, nor asked to see it, let alone demand it. ██████ can confirm this, amongst other things](#)). There are no threatening actions on the CCTV because there was no threats made. Sexton remained in his car at all times. The CCTV will, however show ██████ entering and leaving the shop while Sextons car travels back and forth along the road attempting to accost him I'm not entirely sure, yet, about the laws regarding council officials demanding the CCTV from Costcutters. I don't think these images can be viewed ad hoc and on demand.

Wether he can make an request to view in the presence of the person registered with the ICO i am not yet sure of, as Sexton is not acting as a member of the public, rather as a councillor, but of course [REDACTED] will be able to act under the same rules. Please view the attachments in full and I would like your thoughts in the next 7 days if possible. Sexton should be thoroughly ashamed of himself, and you all need to think about wether this person is the right person to be a councillor, let alone the Chair of the council. Power and influence should not be the reason for serving as a councillor, nor should that power be used to Influence others to carry out personal vendettas, nor to intimidate, threaten and bully innocent females. You need to ask yourselves, why would this councillor make a late night video call to a young mother (6:40pm), is this to further increase the intimidation factor.

Just an update today Mon 24 Ap. [REDACTED] went round the Green this morning as usual, but 40 mins outside of his usual time. He entered and left by different exits and the whole time Councillor Sexton was there, stationary, staring at [REDACTED] (incorrect, please see attached CCTV, the first clip showing [REDACTED] entering the Millennium Green via [REDACTED], as normal. The second & third, exiting via [REDACTED], as normal. Additional CCTV clips from previous/post days demonstrating, he takes the same route every time). My Daughter [REDACTED] has had a very bad night again due to worry about Sexton telling her that he will stop her Charity Dog Show and block any expansion to her Business and is too anxious to open her business today (Her business was open and coincidentally one of the Parish Cllrs had a 9:30am appointment Monday 24<sup>th</sup> only to be told [REDACTED] was attending a meeting at Congburn Nurseries regarding use of some adjacent land for her Dog Training plans. She feels vulnerable and frightened in case Sexton walks in. He has sent her a weird text yesterday and she replied telling him not to contact her (Again, I think it best you speak with [REDACTED], who called me on the Sunday, having spoke with [REDACTED] who apparently wanted to shake hands and forget about it. [REDACTED] cally asked [REDACTED] [REDACTED] just I contac [REDACTED] – see 11<sup>th</sup> attachment). [REDACTED] suffers from Mollarets Meningitis, this is brought on by periods of high stress and anxiety and necessitates immediate admission to hospital for high strength IV antibiotics, steroids and lumbar punctures. This is brought on mainly by high stress, anxiety and if she lets herself get “run down” in any way. She also has a form of Spina Bifida. This bullying is doing her physical and mental health no good at all. This man must be stopped from persecuting my family?

If you require anything else, I'm happy to fill in any blanks.

[REDACTED] and [REDACTED] details below.

[REDACTED]

[REDACTED]

## APPENDIX 5

## Text Messages between Cllr Sexton and [REDACTED] 23 April 2023

<b>Cllr Sexton:</b>	<p>Sorry, I would have chatted this morning but as you could see was talking to resident [REDACTED].</p> <p>I know [REDACTED] has spoken with [REDACTED] and I and hopefully we can move on. Equally, we can chat also and hopefully mend things.</p> <p>Have a lovely Sunday, speak soon.</p>
<b>[REDACTED]:</b>	<p>I dont understand your message. I've not left the house today.</p> <p>I don't feel comfortable chatting and was left very upset and felt targeted for something I haven't participated in, after last nights conversation.</p> <p>I don't want any animosity but equally don't wish to be contacted.</p>

## APPENDIX 6

### Correspondence between Cllr Sexton and Durham Constabulary

**From:** [REDACTED]  
**Sent:** 26 April 2023 21:18  
**To:** Cllr Paul Sexton  
**Cc:** [REDACTED]  
**Subject:** Guidance sought

Hi Paul,

I hope this email finds you well.

I'm writing this email following a conversation with my colleague PCSO [REDACTED] whom I know you had a conversation with earlier today.

As I understand it, you'd rang [REDACTED] for a bit of advice as you thought someone may have contacted the police to make a complaint against you. [REDACTED] was able to say that she didn't know of such a matter but gave advice that you should call 101. As you were understandably concerned, by doing this it may give you an opportunity to get some further information and relief from the worry it was causing.

I have not been aware of the matter you mentioned. I had hoped to call you earlier today but as time's got away from me thought it best to email you so that I could hopefully help and give you good advice going forwards.

If there is an ongoing police investigation then by ringing 101, identifying yourself and telling the call handler what it's concerning, they should be able to get a message to an officer that's dealing with the matter (if there is indeed a matter being investigated). You can then leave contact details for them to contact you, this should hopefully give them an opportunity to impart any information and offer any reassurance as appropriate.

As I'm sure you're already aware you must not involve yourself in any of the potential enquiries police may undertake for any investigation. This could be considered to be interfering with the course of the investigation and could open up a number of other matters that would have to be dealt with.

By contacting you I wanted to just reach out and offer some guidance should you be unclear. I appreciate the valuable work you and your colleagues perform for our communities, and wanted to extend you the courtesy of this contact.

I am at work for the next couple of days should you wish to speak, but please understand that I will not be able to discuss anything to do with any potential investigation that would involve yourself.

I know you have been unable to attend the previous meetings I've arranged with your fellow councillors, but look forward to meeting you at the next available opportunity.

Kind regards,

[REDACTED]

[REDACTED]

Sgt [REDACTED]  
Neighbourhood Policing  
Chester le Street Team 1  
Durham Constabulary

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**From:** Cllr Paul Sexton  
**Sent:** 29 May 2023 10:23  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Guidance sought

[REDACTED],

Thank you appreciated.

Completely understand your guidance and I'll obviously follow to the letter.

I was informed by a neighbour that an officer had visited my home, so wanted to know how best to contact them. I have called 101 twice now and called PC [REDACTED] (?) leaving a voice mail, but nothing has come back at the moment, so I will wait and see.

Kind regards,

Paul.

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**From:** [REDACTED]  
**Sent:** 30 May 2023 15:35  
**To:** Cllr Paul Sexton  
**Subject:** FW: Guidance sought

Good afternoon, Mr Sexton.

Can I introduce myself. I am the inspector for the investigating officer PC [REDACTED] [REDACTED] and her Sgt [REDACTED] crime reference [REDACTED].

Both officers are on courses and annual leave so I thought it would be courteous to give you an update and a conclusion to this investigation.

PC [REDACTED] has completed all of her enquires to establish a fair and balanced investigation. These are recorded on the crime internally; however I can confirm no further supportive evidence has been identified to progress matters any further. The complainant has been contacted and provided with the same information and therefore unless you have any other questions or queries, the police investigation will be closed.

I am aware Sgt [REDACTED] tried to speak to you however you were not at home as you mention below, and I hope this provides sufficient information.

Many thanks

T/Insp [REDACTED]

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