

Appendix 2: Code of Conduct Complaints - Update

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 134	County	4 December 2017 Local Resident	<p>The complainant complained that the Councillor had failed to complete his register of interests within 28 days of election, and when published on 6 December 2017 the complainant noted that it was undated and that the Councillor had not declared that he owned a farm, which he had stated as part of an ongoing planning inquiry.</p> <p>In addition it was noted by the Solicitor with conduct of the planning inquiry that the Councillor's representations at the Inquiry were critical of Council Officers and their actions.</p>	Part 1 paragraphs 4 and 6, Part 2 paragraph 11	29 January 2018, 29 March 2018, 30 July 2018 and 18 October 2018	<p>Referred to Standards Committee Hearing Panel on 9 October 2018 which agreed:</p> <p>Censure of the Councillor; training on the Code of Conduct and Protocol on Member/Officer Relations; Letter of apology to Chief Executive for comments made about Council Officers at a Planning Inquiry</p>
COM 137	Town	25 January 2018 Member of the public	The complainant complains that the Councillor in his capacity as Chairman has signed a lease Agreement that was dated 1 January 2017. The complainant asserts that on that date he was neither a Councillor nor an authorised signatory to the Agreement. The complainant asserts that the Agreement has since been used to support eviction proceedings. He complains that the Agreement has been backdated without lawful authority. He further complains that the Council's Standing Orders	3, 4	16 February 2018 8 November 2018	Investigation - No Further Action. The decision to evict was not taken by members of the Town Council. The subject Councillor's only involvement was to request that the eviction was put on hold.

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			require such an agreement to be made under seal, and that this did not happen.			<p>Whilst there is conflicting evidence as to when the current Agreement was completed, it is clear from the evidence that an earlier Agreement continued to operate after its expiry.</p> <p>The subject Councillor was entitled to rely on the advice of the Clerk as Proper Officer to the Council when signing the Agreement.</p>
COM 138	Town	1 February 2018 Town Councillor	The complainant complains that in October 2017 the Councillor argued aggressively with him in a public house about a council decision. He also complains that on 25 January 2018 he was with 2 constituents when the Councillor interrupted him to accuse him of corruption. He complains of a pattern of aggressive behaviour by the Councillor at council meetings.	1, 2	19 April 2018	Local Resolution – Code of Conduct training for all members delivered on 14 November 2018.
COM 179	County	12 July 2018 Member of the public and on behalf of 2 other residents	The complainant complains that on 3 occasions between April and June 2018, on Saturday mornings, garden materials (appearing to be compost and garden bark) were delivered to the Councillor's private property by council employees using council trucks. The complainant questions whether it is	4.2(a)	1 October 2018	No Further Action – the Councillor had acted in good faith. The materials which the Councillor also arranged to be given to the church

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			ethical for a Councillor to be using council vehicles and employees for their own personal use, and asks whether this cost is being met by council tax payers.			and allotments would otherwise have been disposed of and he believed that this would save the Council money, as had the council official. Measures will now be taken to advertise the availability of surplus materials and to introduce a fair system of distribution.
COM 189 – 190, 192- 194	Town	20 July 2018- COM 189 26 July 2018- COM 190 30 July 2018- COM 192 31 July 2018- COM 193-194 4 Town Councillors and 1 County Councillor	The complainants allege that during a Council meeting of 18 July 2018, chaired by the subject Councillor, he refused to take advice from the Clerk and was abrasive and abrupt towards him. The Complainants complain that one of the Councillors present was warned that she would be asked to leave the meeting after complaining about the Chair's behaviour during the proceedings. The Complainants found his conduct towards the Clerk to be bullying and upsetting. A further Councillor complains that the subject Councillor has a vendetta against the Clerk.	1, 2	9 October 2018	Local Resolution – Training sessions for all members and the Mayor; CDALC to review Council's Standing Orders and Constitution; Mayor to meet with Monitoring Officer to discuss acceptable conduct and behaviour.
COM 195	Parish	10 September 2018 Parish Councillor	The complainant complains that on 6 September at approximately 7.00pm, the Councillor parked outside his home and engaged in aggressive behaviour towards him. He says that the Councillor was sounding his car horn, demanded of the complainant that he moved his car, and then proceeded to move a	1	17 October 2018	No Further Action – Code of Conduct not engaged. No evidence that the Councillor was acting or appeared to be acting in his

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			<p>number of stones from the village green onto the road before driving off across the village green. The complainant considers that this behaviour is inappropriate and unacceptable for a Parish Councillor.</p> <p>The complaint amounts to an allegation that he has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct.</p>			capacity as a Councillor at the time of the incident.
COM 196, 198, 205-206	Parish	COM 196 26 September 2018, COM 198 2 October 2018, COM 205 30 October 2018 COM 206 5 November 2018 Members of the public	<p>The complainants complain about the disrespectful and aggressive behaviour of the Councillor towards them when questioning issues around the maintenance of the old recreation ground and the emptying of the bins on the field. Complainant COM 198 alleges that the Councillor blamed him for the state of the field, potentially damaging the reputation of his business.</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct, and that their behaviour was bullying and intimidatory, contrary to paragraph 2 . In respect of COM 198 it is alleged that the Councillor has sought to convey a disadvantage on a person, contrary to paragraph 3.</p>	1, 2, 3		Currently being considered by the Governance Solicitor.

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COM 197	Town	25 September 2018 Town Clerk	<p>The complainant refers to a social media post in which a member of the public commented that “it is disrespectful for Officers of the Council and for Councillors to go along with the renaming of a public structure”. The complainant says that these alleged facts are inaccurate. Other comments were also made in the post including that “Officers and Councillors are now hurriedly backtracking”.</p> <p>The subject Member posted a reply to the comment, to say “Not all councillors I’ll add”. The complainant asked the subject Member to retract the post and issue an apology, stating that she considered it inferred that he believes that some Councillors and Officers have acted disrespectfully. The subject Member declined to do so, saying that he has not been disrespectful to Officers and that his comment referred to the ‘backtracking’ part of the post rather than to the ‘disrespectful’ part.</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave in a manner that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct.</p>	1	8 October 2018	No Further Action – the Councillor appeared to have commented on his own behalf and cannot reasonably be said to have endorsed the opinion expressed by the member of the public in relation to any other Councillors or Officers. The comments amounted to political expression and the Councillor did not express any comments about the Clerk or other Officers in the thread.
COM 199	County	9 October 2018 Member of the public	The complainant says that on Tuesday 2 October 2018, she was a passenger in a car trying to find a parking space. She says she witnessed the Councillor in a state of agitation, walking out into the road and sometimes gesticulating. The driver of the car she was in then parked near the junction, at which point the Councillor approached the vehicle and indicated to the driver to wind down the	4.3(b), 4.3(j)		Currently being considered by Solicitor.

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			<p>window. The Councillor then said that residents had been complaining about inconsiderate parking, and proceeded to berate the driver, asking that the car be moved, and threatening to take photographs and to report the driver to the police.</p> <p>The complainant considers that the Councillor attempted to give the appearance of having power over parking enforcement matters by reason of being a Councillor, and considers that this is disrespectful and disreputable. The complainant considers that it is inappropriate for a Councillor to be standing on street corners, berating members of the public, acting strangely and making threats.</p> <p>The complaint amounts to an allegation that the Councillor has not dealt with the complaints from residents fairly, appropriately or impartially, contrary to paragraph 4.3(b) of the DCC Members' Code of Conduct, and has failed to treat people with respect, contrary to paragraph 4.3(j).</p>			
COM 200	Parish	15 October 2018 Parish Councillor	The complainant states that the Councillor instructed an Officer of Durham County Council to remove rocks from three areas of the village. The complainant says that this work has not been tabled or minuted at any recent Parish Council meeting, and that the Councillor has recently asked the Clerk to place it on the Agenda for the meeting of the Council, after the work was authorised, and started and completed in two locations.	3		Currently being considered by Solicitor.

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			<p>It is alleged that this is the second time that the Councillor has made a decision when the placement of a rubbish bin was done without a Council decision.</p> <p>The complaint amounts to an allegation that the Councillor has behaved in such a manner that could be regarded as likely to bring the Council into disrepute, contrary to paragraph 3 of the Code of Conduct.</p>			
COM 201-202	2 Parish	15 October 2018 Parish Councillor	<p>The complainant alleges that at a meeting of the Parish Council the Councillors' behaviour towards the complainant was threatening, contrary to paragraphs 1 and 2 of the Code of Conduct.</p> <p>It is also alleged that in respect of complaint COM 202 the Councillor failed to declare an interest at a meeting in a matter which related to a Partnership of which he was a Director.</p>	1, 2 and Declarations of Interests at meetings		Currently being considered by Solicitor.
COM 203	Town	15 October 2018 Town Councillor	<p>The complainant says that at a Committee of the Town Council on 21 May 2018 the Councillor made defamatory statements against her and was upset by the bullying and intimidating manner the Councillor used in front of other Councillors and members of the public, without apology.</p> <p>The Councillor had also authorised the felling of a tree without Council approval.</p> <p>The complaint amounts to an allegation that the Councillor has breached paragraphs 4.1.1 and 4.1.2 of the Code of Conduct, which are respectively the respect and bullying/intimidation provisions, and has</p>	4.11, 4.12, 4.13		Currently being considered by Solicitor.

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			behaved in such a manner that could be regarded as likely to bring the Council into disrepute, contrary to paragraph 4.1.3.			
COM 204, COM 208, COM 210	Parish	COM 204 15 October 2018 COM 208 8 November 2018 COM 210 13 November 2018 Members of the public	<p>The complainants allege that the Councillor:</p> <ol style="list-style-type: none"> 1) tries to influence decisions of the Allotment Association by using their position as a Parish Councillor; 2) persuaded the local PCSO to issue Harassment Orders to the members of the Allotment Association which were then revoked. 3) tried to have the complainants evicted from the Allotment Association; 4) circulated details of a spent criminal conviction of one of the complainants around the village. <p>The allegations amount to a breach of paragraphs 1 and 2 of the Code of Conduct which are the respect and bullying/intimidation provisions, and also 4 and 6, that the Councillor has disclosed information prohibited by law and has sought to improperly confer a disadvantage on the complainants.</p>	1, 2, 4, 6		Currently being considered by Solicitor.
COM 207	County	29 October 2018 Member of the public	The complaint concerns a boundary fence between the properties of the complainant and the Councillor. The complainant states that the Councillor is in dispute with him over the positioning of the boundary fence, and that on two occasions the Councillor has removed the fence and vandalised his property and gardening equipment. The complainant also states that the Councillor has threatened to pull down his greenhouse and has accused him of stealing a greenhouse.		1 November 2018	No Further Action – Code not engaged – the Councillor appears to have been acting in a personal capacity.

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COM 209	Parish	2 November 2018 Member of the public	<p>The complainant, who is also a Parish Councillor states that, as a parishioner, he had requested a letter to be published in the Village News regarding the Parish Council's decision to remove boulders from the area known as the REC. The complainant received a response from the Editor of the newsletter which advised that communications from a Parish Councillor which referred to the business of the Council should be approved by the Chair of the Parish Council. As approval had not been obtained the editing group had decided not to publish the letter. The complainant feels that the Parish Council and the Chair are blocking his right of speech as a member of the public.</p>		12 November 2018	No Further Action – Code not engaged. No evidence that the Parish Council and/or the Chair were involved in making the decision not to publish the letter and/or blocking the complainant's right of speech.
COM 211-213	Town	13 November 2018 Members of the public	<p>The complainants complain about the conduct of the Councillor at 'The Lighting of the Beacon of Hope Service' as part of Remembrance Day activities on 11 November 2018. The complainants allege that the Councillor was under the influence of alcohol, showed no respect throughout the service and could not fulfil his duties as part of the Order of Service.</p> <p>The complaints amount to an allegation that the Councillor has failed to behave in such a way that a reasonable person would regard as respectful, contrary to paragraph 1 of the Code of Conduct, and has behaved in a manner which could be regarded as bringing the Council, or office as a member of the Council into disrepute, contrary to paragraph 6.</p>	1, 6		Currently being considered by Solicitor.

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COM 214	Town	13 November 2018 Member of the public	<p>It is alleged that the Councillor commented on a post on social media which was designed to damage the charity's reputation of which the complainant is a Director, and which discredited their work.</p> <p>The complaint amounts to an allegation that the councillor has breached paragraph 4 of the Code of Conduct, that the Councillor has sought to confer a disadvantage on a person.</p>	4		Currently being considered by Solicitor.
COM 215	Parish	19 November 2018 Member of the public	<p>The complaint alleges that the Councillor:</p> <ol style="list-style-type: none"> 1) behaved in a disrespectful manner towards the complainant and others at a meeting of the Allotment Association on 3 September 2018; 2) behaved in a bullying manner at an allotment inspection in August 2018 towards the Chair of the Association; 3) used his position as Parish Councillor to inappropriately influence the management of the Association by requesting the complainant to call an extraordinary meeting to consider a 'vote of no confidence' against the Association's Committee members; 4) is a friend of one member of the Association who has tried to disrupt a meeting, produced a petition with forged signatures and flouted rules; 5) has sided with members of the Association who are the subject of disciplinary action by the Committee, failing to inspect allotments impartially, thereby improperly conferring an advantage on those persons. 	1, 2, 3, 4		Response awaited from the subject Member.

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			<p>The complainant alleges that the Councillor has failed to behave in such a way that a reasonable person would regard as respectful (paragraph 1), has behaved in a way that a reasonable person would regard as bullying or intimidatory (paragraph 2), has sought to improperly confer an advantage on persons (paragraph 4), and his actions are likely to bring the Parish Council or his office as member into disrepute (paragraph 3).</p>			
COM 216 - 217	2 Town	22 November 2018 Town Councillor	<p>The complainant advises that on 22 October 2018 a post was made on a public Facebook page by one of the subject Councillors. This post was a screenshot of a private and confidential e-mail that he had previously sent to one of the Councillors as a member of the same group where he had mentioned in full confidence that he was considering resigning from the group. It is alleged that the post was edited in such a way that the context of the original e-mail was also misrepresented.</p> <p>The complainant states that this post was made without his knowledge or permission, and as such has caused undue stress to the complainant and his family which ultimately resulted in his resignation from the group, as he had felt that he was left with no option.</p> <p>The complaint amounts to an allegation that the Councillors have breached paragraphs 1 of the Code of Conduct (respect provision), 5 as they have shared confidential information about the complainant, and 6 as they have not complied with the Council's policies and procedures (ie the social media policy).</p>	1, 5, 6		Response awaited from the subject Members.