

Appendix 2: Code of Conduct Complaints – Update 4 March 2019

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
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.
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	4.3(b), 4.3(j)		Currently being considered by Solicitor.

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			<p>indicated to the driver to wind down the 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 Governance 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 at a meeting of the Council on 10 September 2018, 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, 11-15	12 December 2018	Allegation regarding a failure to declare an interest referred for investigation (COM 202). Allegations regarding lack of respect and bullying/intimidation by both Councillors – No Further Action (COM 201-202).
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</p>	4.11, 4.12, 4.13		Currently being considered by Governance Solicitor.

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			respectively the respect and bullying/intimidation provisions, and has 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, 208 and 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	10 December 2018	Referred for Investigation – interviews have taken place as part of the investigation.
COM 211-213	Town	13 November 2018 Members of the public	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.	1, 6	3 January 2019	Referred for Investigation – COM 223 to be considered as part of this. Interviews have taken place as part of the investigation.

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			<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>			
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. The Councillor is orchestrating a campaign against the Charity through another person.</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>	1 and 4	12 December 2018	<p>No Further Action. The Councillor was not commenting in her capacity as a Councillor but in a professional capacity and that it was not unreasonable to express concerns regarding services provided to vulnerable individuals for the protection of the facilitator and individuals. There is no evidence that the Councillor is orchestrating a campaign and the Councillor cannot be held responsible for the comments or actions of another individual.</p>

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COM 215	Parish	19 November 2018 Member of the public	<p>The Complainant 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. <p>The allegations relate to a potential breach of: Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 2 – He/she shall not behave in a way that a reasonable person would regard as bullying or intimidatory Paragraph 3 – He/she shall not behave in a manner that could be regarded as likely to bring the Council or office as a member of the Council into disrepute.</p>	1, 2, 3, 4	31 January 2019	No Further Action. It is clear from the evidence that there has been a relationship breakdown between the Allotment Association, the Allotment Holders and possibly members of the Parish Council who are seeking to resolve issues. A mediation process is already underway.

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			Paragraph 4 – He/she shall not seek to improperly confer an advantage or disadvantage on any person.			
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), paragraph 5 as they have shared confidential information about the complainant, and paragraph 6 as they have not complied with the Council's policies and procedures (ie the social media policy).</p>	1, 5, 6		Currently being considered by Solicitor – to be considered with COM 219-220.
COM 218	Town	6 December 2018 Member of the public	The Complainant alleges that the subject Councillor administers a Facebook page and refused to remove defamatory posts about the complainant's business, despite several complaints to the Councillor about the slanderous posts. The Complainant says that	1 and 4	5 February 2019	No Further Action. The Councillor was not the author of the posts and cannot be held responsible for the

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			<p>each time the Councillor has been discourteous, ignorant and rude.</p> <p>The allegations relate to a potential breach of: Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 4 – He/she shall not seek to improperly confer an advantage or disadvantage on any person.</p>			Facebook posts of others. The Councillor was not acting in his capacity as a Councillor.
COM 219-220	2 Town	12 December 2018 Member of the public	<p>The Complainant alleges that on 20 October 2018 one of the subject Councillors posted a private conversation between the other subject Councillor and a fellow Councillor, which humiliated and showed disregard for that Councillor and was a breach of confidence.</p> <p>The complaint amounts to an allegation that the Councillors have breached paragraphs 1 of the Code of Conduct (respect provision), paragraph 5 as they have shared confidential information about the complainant, and paragraph 6 as they have not complied with the Council's policies and procedures (ie the social media policy).</p>	1 and 5		Currently being considered by Solicitor – to be considered with COM 216-217.
COM 222	Parish	2 January 2019 County/Parish Councillor	It is alleged that at the Parish Council meeting on 20 December 2018, there was a disagreement between the Complainant and the subject Councillor about the provision of a defibrillator. It is alleged that the Chairperson had been subject to "quite a tirade of abuse from the Councillor". The Complainant returned to his car and the Councillor opened the door of his own car and shouted at him that the Complainant had tried to humiliate him in	1 and 2		Currently being considered by the Governance Solicitor – with COM 225

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			<p>the Council, and he had better watch himself because he would be watching every move he made. The Complainant asked "is that a threat" to which the Councillor replied "no it isn't but I will be watching you".</p> <p>The allegations relate to a potential breach of: Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 2 – He/she shall not behave in a way that a reasonable person would regard as bullying or intimidatory</p>			
COM 223	Town	9 January 2019 Town Councillor	<p>It is alleged that on 4 January 2019 the Complainant received a call from the Councillor demanding that she inform him of the outcome of a Sub-Committee meeting she had attended on 19 December 2018 which the Complainant says she could not do because it related to the personal information of an individual. The Councillor was verbally aggressive implying that she was stupid and the Complainant considers the Councillor's behaviour was a clear example of male to female bullying.</p> <p>The allegations relate to a potential breach of: Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 2 – He/she shall not behave in a way that a reasonable person would regard as bullying or intimidatory</p>	1 and 2	6 February 2019	Referred for Investigation – to be considered with COM 211-213

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COM 224	County	11 January 2019 Member of the public	<p>The Complainant states that she had requested a meeting with the subject Councillor by e-mail but there had been no acknowledgement. The Complainant stated that she was sad and disappointed that no acknowledgement had been provided. The Complainant found this to be discourteous and asked why her email had not been worth an acknowledgment.</p> <p>The allegations relate to a potential breach of: Paragraph 4.3(b) which expects Councillors to deal with representations or enquiries from residents, members of their communities and visitors fairly, appropriately and impartially.</p>	4.3(b)	22 January 2019	<p>No Further Action. The Councillor was sorry for not responding to the e-mail, she now appreciates that to the public the email contact details would imply that this is a way to correspond with her.</p> <p>On 21st January 2018 the Councillor presented a written apology letter to the Governance Solicitor to forward to the Complainant.</p>
COM 225	Parish	16 January 2019 Parish Councillor	<ol style="list-style-type: none"> At the Parish Council meeting on 20 December 2018, the Police provided an update on anti-social behaviour issues in the area. It is alleged that the Councillor stated in an aggressive and negative manner that he had no faith in the Police. The vacancy of a Parish Councillor was discussed at the meeting on 20 December 2018 and the Complainant states that the appointment did not appear welcomed by the Councillor which was observed when the purchase of a defibrillator was discussed. The subject Councillor posted a comment on his Facebook page relating to the defibrillator which the Complainant found to be untrue and misleading. 	1 and 3		Currently being considered by Governance Solicitor – with COM 222

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			<p>3. At the meeting on 20 December 2018 a funding request was considered from a local organisation. It is alleged that the Councillor aggressively questioned a representative from that organisation.</p> <p>4. During a confidential item, it is alleged that the Councillor angrily expressed his annoyance with the decision to seek advice in preference of his proposed course of action. It is alleged that the Councillor made personal accusations against the Complainant, and referred to an apparent conflict of interest on this subject.</p> <p>The allegations relate to a potential breach of: Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 3 – He/she shall not behave in a manner that could be regarded as likely to bring the Council or office as a member of the Council into disrepute.</p>			
COM 226, 227,232 and 235	Parish	COM 226 22 January 2019 Member of the public COM 227 23 January 2019 Parish Councillor COM 232 5 February 2019 Member of the public COM 235 14 February 2019 Member of the public	The complaints are considered collectively which relate to alleged incidents at the Market Place in Durham on 19 January 2019 during peaceful protest. <u>COM 226</u> The Complainant states the Councillor was aggressive inferring that she was stupid, he was a Parish Councillor and that she had incorrect information. The Complainant states that she moved away but he continued to stay	1, 2 and 3		Currently being considered by the Governance Solicitor

		<p>in front of the stand which the she felt was in an intimidating manner.</p> <p>The Complainant alleges that during a conversation with a couple, the Councillor pushed himself into a conversation. It is alleged that the Councillor's behaviour was rude and aggressive, It is alleged that the Councillor cupped his hands around his face and started chanting loudly saying "these people are lying to you, these are all lies they are telling you" over and over again.</p> <p><u>COM 227</u> The Complainant alleges the Councillor became verbally aggressive and tried to remove a banner. It is alleged the Councillor lunged at him and another protestor who were using their phones to record the incident. The police were called, the Councillor was handcuffed and removed from the Market Place.</p> <p><u>COM232</u> It is alleged that the Councillor was shouting and swearing at the top of his voice, that he lost his temper and pushed elderly people in an aggressive manner who were getting information about the demonstration.</p> <p>The Complainant states that the Councillor pushed his family member and swore at her before approaching the stand of a group of ex-servicemen who were also in the area supporting the demonstration. It is alleged that the Councillor attempted to take down the banner stating that the men were not servicemen, that they were a disgrace, that he was an ex-serviceman and they were not. The Complainant reports that the police were called, the Councillor was removed and told</p>			
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			<p>not to return to the area. An hour later he returned to the area shouting, "the Parish Council say you are all telling lies". The police were called again and he was removed.</p> <p><u>COM 235</u> It is alleged that the subject Councillor was shouting, swearing and accosting shoppers. The Councillor swore in the complainant's face and pushed her out of the way. It is also alleged that the Councillor started 'kicking off' with ex-servicemen who were also on the demonstration.</p> <p>All of the allegations relate to a potential breach of: Paragraph 1 - He/she shall behave in such a way that a reasonable person would regard as respectful. Paragraph 2 – He/she shall not behave in a way that a reasonable person would regard as bullying or intimidatory Paragraph 3 – He/she shall not behave in a manner that could be regarded as likely to bring the Council or office as a member of the Council into disrepute.</p>			
COM 228	Parish	23 January 2019 Parish Councillor	<p>It is alleged that at a demonstration in Durham Market Place on 19 January 2019 when the Complainant asked that banners be removed from the DLI memorial, one of the demonstrators swore at the Complainant and with other demonstrators pushed and abused him, putting their phones in his face.</p> <p>The allegations relate to a potential breach of:</p>	1 and 3		Response awaited from Councillor

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			<p>Paragraph 1 – He/she shall behave in such a way that a reasonable person would regard as respectful.</p> <p>Paragraph 3 – He/she shall not behave in a manner that could be regarded as likely to bring the Council or office as a member of the Council into disrepute.</p>			
COM 229	County	30 January 2019 Member of the public	<p>It is alleged that the subject Councillor filed a rejection letter for a planning application with the sole intention of pushing the planning application to a committee meeting. In doing so the Councillor did not make clear whether she was acting as a Councillor or a member of the public, yet had sent the emails from her official Durham County Council e-mail address. After visiting the Complainant, the Councillor changed her stance from fully rejecting the Complainant's planning application to neutral but the Complainant says this was too late and has affected the way her application is being considered.</p> <p>The allegations relate to a possible breach of: Paragraph 4.3(h) which is to '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. The Council's protocol which applies in this instance is the Code of Practice for Members and Officers dealing with planning matters.</p>	4.3(h)		Currently being considered by the Governance Solicitor

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COM 233	Town	7 February 2019 Town Councillor	<p>The allegations relate to social media posts made on a local community Facebook page regarding expenses claimed during the Complainant's mayoral year. The Complainant states that even after being informed that any money used had come from his allowance the subject Councillor mentioned it a second time.</p> <p>The allegations relate to a possible breach of: Paragraph 1 - He/she shall behave in such a way that a reasonable person would regard as respectful.</p>	1		Currently being considered by the Governance Solicitor.