

Appendix 2: Code of Conduct Complaints – As at 27 August 2019

Ref	Council	Date	Allegations	Code	Decision Notice	Outcome/Status
COM 200	Parish	15.10.2018	<p>The Complainant states that the Councillor instructed an Officer 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.</p> <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>	Paragraph 3		Under consideration by Governance Solicitor.
COM 202	Parish	15.10.2018	The Complainant alleges that the Councillor failed to declare an interest at a meeting in a matter which related to a Partnership of which he was a Director.	Paragraphs 1, 2 and 11-15	12.12.2018	Referred for Investigation
COM 203	Town	15.10.2018	The Complainant says that the Member 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. The Councillor had also authorised the felling of a tree without Council approval.	Paragraphs 4.11, 4.12 and 4.13		Under consideration by Governance Solicitor.

COM 204, 208	Parish	COM204 – 15.10.2018	The complainants allege that the Councillor: 1) tries to influence decisions of the Allotment	Paragraphs 1, 2, 4 and 6	10.12.2018	Referred for Investigation.
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and 210		COM 208 - 08.11.2018 COM 210 13.11.2018	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.			Additional information supplied as part of the investigation.
COM 211, 212 and 213	Town	13.11.2018	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. 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.	Paragraphs 1 and 6	03.01.2019 08.07.2019	Referred for standards hearing on 17 September 2019
COM 222	Parish	02.01.2019	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 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".	Paragraphs 1 and 2	10.06.2019	No further action - It is accepted that following a disagreement in a public meeting an exchange took place outside of the building between the Member and the Complainant. The assertion by the Complainant that the Member waited for him cannot be proven, as there are two differing accounts with no supporting evidence to confirm. Reminder that Members should always be mindful of their actions in public office, that their conduct and behaviour could be called into question which could be considered by a code of conduct complaint and

						in the case of threatening or intimidatory conduct, could result in reporting to the police.
COM 223	Town	09.01.2019	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.	Paragraphs 1 and 2	06.02.2019 08.07.2019	Referred for standards hearing on 17 September 2019
COM 225	Parish	16.06.2019	At the Parish Council meeting on 20 December 2018, it is alleged that during a presentation by the Police the Member 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 and the Complainant states that the appointment did not appear welcomed by the Member. Following the meeting the Member posted a comment on his Facebook page which the Complainant found to be untrue and misleading. It is alleged that during an item for a funding request and a confidential item that the Member behaved aggressively. It is alleged that the Member made personal accusations against the Complainant.	Paragraphs 1 and 3	10.06.2019	No further action – It is necessary to recognise that from time to time there will not always be agreement between Councillors It must be emphasised that all Councillors need to be aware of their style and approach, and how this may be perceived by others. Councillors must at all times, even where there may be a difference of views, promote and maintain the high standards expected of them as Councillors and to treat others with respect.
COM 236	Town	15.02.2019	The Complainant alleges that the Councillor has behaved in a manner which is contrary to the code, specifically that: <ul style="list-style-type: none"> • He shall behave in such a way that a reasonable person would regard as respectful. • He shall not act in a way which a reasonable person would regard as bullying or intimidatory. • You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a member of the Council, into disrepute. 	1, 2 and 6	13.03.2019 08.07.2019	Referred for Investigation – with COM 211-213, 223 Referred for Standards Hearing on 17.09.2019.
COM 240	County	04.03.2019	The Complainant states that the Member placed two biased, factually inaccurate and coercive posts onto	Paragraph 4.3h	10.06.2019	No further action - The Governance Solicitor found in that three posts

			<p>Facebook regarding the Northern and Western relief Road proposed in the County Durham Plan. The Member encouraged others to share the post. It is also alleged that the Member has conducted at least one public presentation promoting his views as a County Councillor on the relief roads which the Complainant suggests represents lobbying, contrary to the code.</p>			<p>there are references to the Member as a Councillor. It was therefore reasonable to consider that the posts to be made by the Member in his capacity as Councillor.</p> <p>The complaints relate to allegations of bias and pre-determination, section 25 of the Act applies where the validity of a decision is questioned as a result of an allegation of bias or pre-determination or otherwise and it is relevant whether the decision-maker had, or appeared to have, a closed mind. A finding of pre-determination can only be determined following judicial challenge.</p>
COM 243 and COM 244	County	05.03.2019	<p>The Complainants state that the Councillor submitted a post on his Facebook page urging support for the proposed Durham City Western and Northern Relief Road which was biased and misleading. The Councillor has behaved in a such way which could bring into question the Councillor's impartiality.</p>	Paragraph 4.3(h)	10.06.2019	<p>No further action - The Member states that the representations were made on his personal Facebook account and represent his personal views. The Governance Solicitor noted that there were references to the Member as a Councillor in the posts and found the Member to be acting in the capacity as a Councillor.</p> <p>The complaints relate to allegations of bias and pre-determination. The law surrounding bias and pre-determination is set out at section 25 of the Localism Act (the Act) with clarification through case law. A finding of pre-determination or bias can only be made by the Court following a judicial challenge on the decision which is said to have been subject to bias and/or pre-determination. The Complainants make reference to a planning</p>

						decision, it must be noted that the County Durham Local Plan is not a decision of the Planning Committee but is a decision of the Council as a whole.
COM 246	County	01.04 2019	The Complainant states that he called the Member about the location of the Council's new Head Quarters and the application which was supported by the Member. The Complainant did not feel that the Member could represent him as a Durham City trader when she represents another ward in County Durham. It was alleged that the Member invited the Complainant to call her back however when he did so he did not receive an answer or reply. The Complainant wanted to know why the Member refused to speak to him. The Complainant wants to know why the Police visited him in relation to allegations of harassment and a voicemail which was left. The Complainant denies that the voicemail was aggressive or threatening.	Paragraphs 4.3(b) and 4.3(k)	25.05.2019	<p>No further action – The Independent Person was consulted by the Governance Solicitor.</p> <p>The decision of the LPA is not a sole Member decision, this is a decision of the collective and the reasons for the decision are set out in writing. It would not be considered appropriate for individual Members of the Planning Committee to be challenged on the decision of a LPA.</p> <p>In relation to the first call there were two differing accounts of the telephone call. The account of the Member has been corroborated by a witness who was travelling with the Member who confirms that the Member did attempt to return the call.</p> <p>The Governance Solicitor found that the Complainant was not satisfied with the response and persisted in making calls to the Member which took place over six days including a weekend. The Member reports that over a course of a few days she experienced multiple missed calls from the Complainant. The Member did not deliberately avoid the calls of the Complainant however before having an opportunity to return the call she was left with a voicemail which she describes to be of a</p>

						<p>threatening tone. Due to the tone of the message left coupled with the persistent attempts to contact the Member, the Member sought advice and was advised to monitor this. A further message was left on 26th March 2019 and the Member reported the concerns to the Monitoring Officer that the message was considered threatening. The Monitoring Officer directed that an Officer would contact the Complainant.</p> <p>For the purposes of assessing the complaint the voicemail could not be retrieved and the assessment was carried out based on the verbal accounts.</p>
COM 247	Parish	02.04.2019	The Complainant alleges that the Councillor's behaviour towards the Clerk was bullying and intimidatory in Council meetings and provided details of a series of events in support of the allegations.	Paragraphs 1 and 2	27.05.2019	Investigation completed and awaiting comments on the report and draft decision notice from the Independent Person.
COM 248	Town	05.04.2019	The allegations regarding the conduct of the Member are linked to a complaint which has been subject to a standards investigation and has been recommended for consideration by the standards panel.	Paragraphs 1 and 2	12.07.2019	No further action - Both the Complainant and the Member as part of a linked investigation have provided comments on allegations of a potential breach. The findings of the investigation will be considered standards hearing who will determine whether there has been a breach of the code. It is unnecessary to consider this complaint further when the substantive issues will be in due course considered by the standards panel.
COM 249, COM 251	Parish	05.08.2019	COM 249 and COM 254 The Complainant alleges that there has been financial misconduct by the Councillor, that the Councillor has	1,2,3,4,5 and 6		Member requested extension to prepared response to 06.09.2019.

and COM 254			<p>behaved in a bullying manner towards the Complainant, has failed to declare an interest, and has used his position to gain influence.</p> <p>COM 251 It is alleged that the Councillor has been working in collusion with a number of persons from an Allotment site to have him isolated and excluded.</p> <p>The Councillor has failed to provide member subscriptions to NSALG and an insurer in respect of rent for an allotment site.</p> <p>The Councillor disclosed information which had been discussed as exempt at Council meetings in 2017 and 2018.</p>			
COM 252	Parish	05.08.2019	<p>The Complainant states that following a visit to the allotment site on 20 January 2019 the Councillor had made a complaint against him, stating he had shouted and sworn when she had attended the allotment and that he had been spreading gossip about a tenant. An investigation was carried out, the Complainant denied the allegations and there was no further action.</p> <p>The Complainant was unhappy with the representations which may have been made by the Councillor at a Council meeting on 13th February 2019 under exempt information. The Complainant alleges that his response to the complaint against him was not considered and he did not have an opportunity to make his representations to the Council.</p> <p>The Complainant alleges that the Councillor has concocted the allegations in a bid to censure, to isolate and discriminate against him and others of the allotment. He alleges that the Councillor openly discusses Parish Council exempt information. The Complainant has been told that the Councillor is foul-mouthed and aggressive. There are also allegations regarding criminal behaviour.</p>	Paragraphs 1,2,3,4,5 and 6		Member response provided – Under consideration by Governance Solicitor.
COM 253	Parish	05.08.2019	<p>It is alleged that the Member was aggressive towards the Complainant at a public meeting which the Complainant finds to be a breach of the Code.</p>	Paragraph 1		Member response provided – Under consideration by Governance Solicitor.

COM 256	Town	21.05.2019	The Complainant alleges that the Member posted what he describes as racial inflammatory messages on the internet.	Paragraph 3.1 (i)	26.06.2019	No further action. - Where Councillors express themselves in their capacity as Councillors, whether on social media or otherwise, the Code of Conduct imposes various obligations, including those of treating other people with respect. The account is a personal Facebook account and does not identify the Member as a Councillor. None of the posts refer to any business of the Council. For these reasons, the Code of Conduct is not engaged.
COM 257	County	04.06.2019	<p>The Complainant alleges that on 8 October 2018 an email was sent from an Officer of the Council warning him that if he continued to contact the Member he may be subject to legal and police action. He did not make any further contact with the Member.</p> <p>On 10 October 2018, the Complainant had two police officers attend his home accusing him of harassing the Member. The Complainant believes that the allegations centre around a series of emails dated from 24 January 2016 and 26 September 2018. The Complainant believes that the Member has based an accusation of harassment on her objection to his use of adjectives such as vile and rancid to describe her attitude and approach to those who disagree with her. The Complainant questions whether the use of those words warrants two police officers attending his home.</p> <p>The Complainant objects to the Member using what he describes as free legal backing against residents.</p> <p>The Complainant states that the conduct of the Member has not been consistent with someone making allegations of harassment. It is alleged that by the Complainant that the Member of bullying, intimidation and attempted humiliation towards him.</p>	Paragraph 4.3(j)	12.08.2019	<p>No further action – The views of the Independent Person were sought by the Governance Solicitor.</p> <p>Whilst the Complainant and residents have the right to submit their concerns over local issues to Councillors this does not equate to an opportunity to make personal remarks and persist in such remarks. Such conduct in itself is capable of amounting to harassment.</p> <p>On consideration of the complaint together with the full emails supplied by the Complainant, no evidence of harassing or bullying towards the Complainant could be established. The Complainant conversely has sent a barrage of emails to the Member and when advised to cease, persisted.</p> <p>In relation to the allegation of attempted humiliation, this could not be upheld, the actions of the</p>

						Member were appropriate and were not an attempt to humiliate the Complainant. The Member set out her position to the Complainant and when the emails followed the Member reported the concerns to the police, concerns which were genuinely felt and actioned by the police as they saw fit.
COM 258	Town	24.06.2019	<p>The Complainant alleges that the Member posted two social media posts which were considered by the Complainant to be offensive and untrue.</p> <p>The first post was made on 28 February 2019 and the second post was made on 23 May 2019.</p>	Paragraph 1	16.07.2019	No further action – The first post of February 2019 pre-dates the Member being elected and therefore the code is not engaged. In relation to the second post there was insufficient evidence to support a finding of a breach of the code. The Member has reported on social media matters which were already in the public domain, specifically that the Complainant did not sign a declaration. In any event it is important to note that social media profile appears to be the personal account of the Member which would take this matter outside the scope of the standards regime.
COM 260	County	25.06.2019	The Complaint alleges that at a meeting of the County Planning Committee the Member read from a prepared speech proposing that the application be approved. It was alleged that this was an unmistakable evidence of bias, pre-determination and a closed mind approach when taking a planning decision.	Paragraphs 4.3 (c) and 4.3 (h)	15.07.2019	<p>No further action – It is considered reasonable that a Member would prepare in advance especially in respect of planning reports. The notes made in advance can be adapted in light of representations made at the meeting which was accepted practice by this Member.</p> <p>Section 25 of the Localism Act 2011 sets out that a decision maker is not taken to have had, or to have appeared to have a closed mind (to any extent) just because he/she has previously done anything that</p>

						directly or indirectly indicated what view he/she took or would or might take.
COM 262	Parish	09.07.2019	The Complainant wanted to speak to the Member about his garden allotment. The Complainant spoke to the Member at the allotment and it is alleged that the Member used offensive language towards him when he tried to speak to him about the allotments.	Not applicable	19.07.2019	Rejected - on consideration of the complaint it was evident that the Member was not acting in the capacity as councillor when visiting his allotment.
COM 263	Town	25.07.2019	<p>The Complainant alleges that on 13 July 2019 it became known that the Member made had a series of alleged derogatory comments on Facebook about the Clerk. The comments were made on a community Facebook page as well as on his own page shown as a Councillor. The Complainant finds the comments relating to the Clerk to be inaccurate and insulting.</p> <p>The Member was asked to remove the page and to offer a public and personal apology to the Clerk. The Member complied with the request to remove the page. The Member apologised to the Clerk however the apology was not public or personal, this was considered insufficient.</p>	Paragraph 1, 6 and 9	13.08.2018	Investigation referral – Due to the nature of the allegations and the complaint relating to conduct towards an officer, this is considered sufficiently serious to warrant investigation. Meetings have been scheduled for 18 th September 2019 for the start of the investigation.
COM 264	Parish	27.07.2019	The complainant advises that both yourself and Councillor Singer have acted in a way which breaches the Code of Conduct. The complaint describes the erecting of signs and unlawful road closures and restrictions on a public road adjacent to your home. This conduct and taken place since July 2018 and continues to the present day. The Complainant feels that this has been detrimental to members of the village, particularly those attending services at the local Church. The Complainant raised concerns during a Parish Council Meeting but was not satisfied with your response.	Paragraphs 1, 2 and 3		Member response received – Under consideration by the Governance Solicitor.
COM 265	Town	26.07.2019	A complaint was made against two Councillors relating to their conduct at a Council Meeting on 8 July 2019. The Complainant attended the meeting to raise his concerns about a letter sent by the Town Council to grave owners regarding the removal of memorial items on graves. The Complainant explained that this was a very emotive matter for him. It is alleged that whilst the Complainant was	Paragraphs 4.1.1.	11.08.2019	Local Resolution - The Complainant is offended by the alleged conduct of the Members in what was a highly sensitive issue which should be dealt with sympathetically and with respect.

			speaking he noticed the Members rolling their eyes, shaking their heads, smiling and smirking inappropriately. He alleges that one of the Members 'muttered rather loudly under her breath' that she disagreed with his comments that the reasoning behind the issue was financial. The Complainant states that he was offended by this conduct and felt it was entirely unacceptable. When leaving the meeting, the Complainant approached the Members and asked them to keep in mind how emotive the subject matter was. The Complainant alleges that the Members responded to him by stating that the Complainant should consider that 'they also have family members at that cemetery'.			<p>The Complainant and the Members give differing accounts of the incident. Matters such as this are difficult as they centre predominantly around a person's perception of a situation. In their response to the complaint, the Members state that they see no basis for the allegations made by the Complainant. They state that they did not act in the way that the Complainant has described.</p> <p>It is recommended that all Councillors are reminded of their obligations under the Member Code of Conduct and to be mindful of how their actions/behaviour may be perceived. The Clerk is invited to liaise with the Monitoring Officer to arrange training accordingly.</p>
COM 266	Town	26.07.2019	The complaint relates to an incident which took place at the Pavilion where the Complainant was attending with his family for a quiet drink. It was alleged that the Member appeared and was aggressive towards him, the Complainant found this threatening and intimidating.	Not applicable	29.07.2019	Rejected - The complaint relates to the Member in his personal capacity and is therefore outside of the scope of the complainants which can be considered by the Monitoring Officer.
COM 268	County	12.08.2019	The allegations were that the Member attended a steering group meeting on 1 July 2019 and it is alleged that this was done with a view to provoke a reaction. It was alleged that the Member was abusive towards the Complainant. Additionally it is alleged that the Member made put forward a 'false' account of the events on the County Councillor Facebook page. It was alleged that the Member on 6 August 2019 made a false allegation of bullying and intimidation against the complainant to police. No further action was taken on behalf of the Police.	4.3(b), (e) and (h) and (j)	23.08.2019	Local Resolution - The Member has been invited to attend training with the Monitoring Officer within two months with a focus on the use of social media.
COM 270	Parish	19.08.2019	The Complainant states that the Member has been confrontational in relation to the green and flower beds. The Complainant has received a letter from the Council	Paragraphs 1, 2 and 3		Awaiting subject member response.

		<p>stating that the planting of roses is considered hard planting and needs to be removed, the Complainant feels he has been singled out. The Complainant also alleges that recently he has noticed the Member standing outside of his house staring towards the window and when the Member has been asked what is wanted, the Member has shrugged and walked away. The complainant feels that this is an attempt to harass or bully.</p> <p>It is alleged that the Member planted a tree in the in middle garden and that the Member informed residents that the only house the tree would affect is the Complainants house and that he was fully on board with the proposal. The Complainant did not agree with the planting.</p> <p>The Complainant also details issues around parking in the locality which relate to a linked complaint (COM 264).</p>			
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