

## Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
COM 211, 212 and 213	Town	13.11.2018	<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 and 6	17.09.2019	The Panel found the Councillor to have been acting in his official capacity as Mayor at the time of the incidents. The Panel also noted that there were inconsistencies in the Councillor's account. The Panel found that on the balance of probabilities, the Councillor was drunk and that consequently paragraphs 1 and 6 of the Code of Conduct had been breached. The Panel determined that the Councillor should be censured by the Panel in relation to his conduct at the Beacon Lighting Event
COM 223	Town	09.01.2019	<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>	1 and 2	17.09.2019	The Panel did not accept the Councillor's account of the incident. The Panel also considered the tone of the email from the Councillor to the complainant to be threatening and aggressive. Therefore, having considered the accounts of the phone call together with the tone of the follow up email, the Panel found that the Councillor was disrespectful towards the complainant. The Panel recommended that the Councillor should complete training on the Code of Conduct and in particular Member/Officer relations and the Councillor should provide a written apology to the Complainant.

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COM 236	Town	15.02.2019	<p>The Complainant alleges that the Councillor has behaved in a manner which is contrary to the code, specifically that:</p> <ul style="list-style-type: none"> <li>• He shall behave in such a way that a reasonable person would regard as respectful.</li> <li>• He shall not act in a way which a reasonable person would regard as bullying or intimidatory.</li> <li>• 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.</li> </ul>	1, 2 and 6	17.09.2019	The Panel agreed that there was clear evidence of bullying. The Panel recommended that the Councillor should provide a written apology to the complainant and the Panel recommend to Ferryhill Town Council, that if the councillor remains a member of the Personnel Sub-Committee (or equivalent), he is removed from that Committee until such time the issues relating to the Town Clerk are resolved.
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.	1 and 2	26.09.2019	No further action - The Monitoring Officer, in consultation with the Independent Person considers that there has been no breach of the code. The allegations which involved the member's conduct outside of Council meetings occurred when the Member was acting in his capacity as a private individual and so he was not bound by the code. He was bound by the code during meetings but the conduct did not amount to bullying/disrespectful behaviour.
COM 249, COM 251 and COM 254.	Parish	08.04.2019	The Complainant alleges that the Member had been dishonest in his dealings as treasurer for the Allotment Association since his appointment to the role in 2017. It has been alleged that the Complainant received undue pressure from the Member to carry out allotment matters. The Complainant alleges that because she refused to assist the Member in 'covering up' these discrepancies, he became aggressive towards her. The Complainant also accused the Member of failing to make a declaration of interest at a Parish Council Meeting relating to the Allotment Site. The Complainant feels that the Member failed to adhere to the process laid out by the Parish Council when dealing with allotment issues.	1,2,3,4,5 and 6	16.10.2019	No further action - The Governance Solicitor considers much of the conduct alleged in this complaint, occurred when the Member was acting in his capacity as a private individual. The Member's role with the Allotments Association is an entirely separate role from his position as a Councillor. Regarding the allegation that the Member failed to make a declaration of interest at a Council meeting, it was

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			<p>The Complainant felt that a proposal put forward by the Member was a personal attack against him. The Member is also accused of seeking to remove the Complainant's voting right at association meetings to manipulate the voting structure. The Complainant states that he believes that the Member may be involved in defrauding the NSALG and an insurer by withholding members' subscriptions that should have been passed to them. The Complainant also accuses the Member of disclosing confidential information.</p> <p>The Complainant describes an incident which allegedly took place on 3 October 2018 during a Parish Allotments meeting. The Complainant states he asked the Member if he could speak privately with him. The Member allegedly then stood up and shouted, 'are you threatening me'. The Complainant felt that this said in a very 'aggressive, threatening and bullying manner'. Another Councillor stood up and shouted at the complainant, 'I want him out of the meeting'. Additionally, the complaint refers to money discrepancies at the Allotment Association when the Member held the role as treasurer.</p>			recommended that all Councillors should have training on this topic. In respect of all other allegations, it was decided that no further action should be taken.
COM 252	Parish	17.04.2019	It is alleged that the Member fabricated a story about the Complainant in an attempt to isolate and discriminate against him. On 14 February 2019, the Complainant received notification from the Clerk of the Parish Council advising that the Member had made a complaint against him. The basis of this complaint was that the Member had been shouted and sworn at during the visit to the allotment. The Complainant alleges that the Member made the complaint with malicious motives to get him censured by the Parish Council and to have him removed from the Allotment Association Committee.	1 2 3 4 5 and 6	16.10.2019	No Further Action – An investigation into the allegations made by the Member has taken place. The decision to not take further action was a decision of the Council, rather than the Member alone, to take no further action in respect of the complaint. The Governance Solicitor is unable to make any finding that the complaint of the Member was in any way malicious and once again notes that the Council appointed the Clerk to carry out the investigation who similarly made no findings that the allegations were malicious in nature.

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COM 253	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 13<sup>th</sup> 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>	1,2,3,4,5 and 6	03.09.2019	No further action - The Governance Solicitor notes that there was an investigation into the allegations made by the Member. The Clerk presented the investigation report to the Council and it was the decision of the Council, rather than the Member alone, to take no further action in respect of the complaint. The Governance Solicitor considers that it would be unnecessary to carry out a further investigation into the complaint of the Member. The appropriate action was taken in that a complaint was raised with the Council, the Council directed the Clerk to carry out an investigation and the findings of the investigation were for no further action to be taken. The Governance Solicitor is unable to make any finding that the complaint of the Member was in any way malicious and once again notes that the Council appointed the Clerk to carry out the investigation who similarly made no findings that the allegations were malicious in nature.
COM 264	Parish	27.07.2019	The Complainant advises that the Members 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 their home. This conduct had 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 the response.	1, 2 and 3	11.09.2019	No further action - The Monitoring Officer concluded that the Members were not asking in their official capacity as Councillors at the time of the alleged incidents. The Members state that they did not erect the signs/cones because they are Councillors, nor did they allude to their role as Councillors when erecting the signs/cones or at any point when they the signs were in place.

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COM 269	Town	23.08.2019	The Complainant alleges that the Members have used their positions as Councillors to attempt to tarnish the reputation and hinder the work of the Complainant's company. The allegations include, harassment of current and former employees and residents, derogatory social media posts (made in the Member's capacity as a councillor), the sending of letters on official Council headed paper despite the fact the correspondence was not passed through the appropriate lines of authorisation.	1. , 2, 3, 4 and 5	29.10.2019	<p>Councillor J.- No further action – the background to the complaint related to the Member in his capacity as an employee. In relation to the comments on Facebook, the Councillor confirmed that he received complaints from residents and he signposted where to submit complaints.</p> <p>Councillor M. - Local resolution - It was considered that by using letterheaded paper for the Council could mislead the public, It was recommended that the Member undergoes training with the Clerk to the Council within two months and confirms that this has been completed to the Monitoring Officer.</p>
COM 270	Parish	19.08.2019	The complaint describes a series of incidents relating to disagreements over the planting of flowers beds (the Councillors accuse the Complainant of planting the flower beds on the village green). The Complainant alleges that on numerous occasions he has noticed one of the Councillors standing outside of his house staring at his front window. This has caused him to feel harassed and intimidated. There are also disagreements relating to the planting of a memorial oak tree on the village green (which is in close proximity to the Complainant's home). The Complainant feels that he was not consulted before the tree was planted.	He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory	07.10.2019	No further action - It was decided that the Councillors had acted appropriately when advising the Complainant about the rose bushes. One of the Councillors gave a reason as to why she often walked past the Complainant's home. Minutes of the Council Meeting showed that prior to planting the oak tree, the council had had no issues regarding objections or utilities.
COM 271	Town	28.08.2019	The Members are alleged to have breached the code of conduct by being racist and discriminatory against the Complainant. The Complainant accuses one member of calling her a 'liar' and of hacking in to one of her Facebook pages. The Complainant accuses the other Member of making offensive comments about her both online and to members of the public in person. The Complainant also accuses him of making a fake Facebook profile 'just to abuse us'.	1	01.10.2019	No further action - There was a lack of evidence to support the Complainant's allegations. Some allegations had already been considered in a previous complaint and so were not considered again as part of this complaint. There was no evidence of racism or discrimination. The Members were

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						reminded to be mindful of the code of conduct and all social media policies of the Town Council. Members were also reminded of the Public Sector Duty.
COM 273	Town/County	20.09.19	The Complainant alleged that the Members sent a letters to all residents regarding the business premises and this was also posted on Facebook. Since then, the premises have been subject to more vandalism. Members of the public made upsetting and threatening comments on the Facebook post. The Complainant feels the post should have been removed. The Complainant also feels that the Members were not transparent and honest with her regarding their involvement in enforcement matters and that their letter shows an unfair support of the other residents.	3, 5, 6 and 10	14.10.2019	No further action - The Members were responding to complaints that they had received. They felt that they needed to address the complaints under their duty as Councillors. By addressing the complaints, they did not intend to encourage residents to take matters in to their own hands. The Governance Solicitor found that instead, the letter was intended to pacify residents by explaining that their concerns were being listened to and dealt with appropriately.
COM 274	County	23.09.19	The Complaint is made by a lead Councillor on behalf of another six Councillors. It is alleged that the Member administers a public Facebook page. It is alleged that this page has been used as a platform to express offensive language and gives the impression of representing all Councillors from the area. The post stated "this is an absolute disgrace. Taking Christmas from our children? They want crucifying". The Member was asked to take down the post but did not and when a further request was made the Member stated that the post could not be removed as she had deactivated the social media account.	4.3 (j)	14.10.2019	Local Resolution - The Governance Solicitor considers that the Member will benefit from training from the Monitoring Officer which will be combined with the training to be delivered as part of COM 268. The Complainant asserts that the comment is still visible and to resolve this, the Member is to meet with ICT to ensure that the page has been deleted. The name of the page should be changed unless other Councillors are added as administrators. Training was undertaken and completed on 24.10.2019.

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COM 275	County	23.09.19	The Complainant alleges that the member used her Facebook page to promote incorrect information, failed to amend the incorrect information and has used a separate Facebook page which she administers to give the impression that other Councillors take the same view as her. Additionally, the complaint alleges that the Member has manipulated privileged information given as an Action Partnership Board Member to promote her own personal views and invite people to object to the Town Team proposals.	4.3 (a) (b) (e) (j) (l)	05.11.2019	No further action – The details of the complaint mirrored that of COM 274 which was considered by way of local resolution, namely social media training with the Monitoring Officer. As this training had been completed to the satisfaction of the Monitoring Officer the Governance Solicitor considered that no further action was required in respect of this complaint.
COM 276	Parish	02.10.19	This complaint relates to a previous complaint (COM264) which resulted in no further action being taken. The Complainant upon request was provided with a copy of the Member's responses. The new complaint (COM 276) was received shortly after the decision notice to COM 264 was issued. The complaint relates almost in its entirety to the Members' responses to COM 264. The Complainant takes issue with the responses provided in COM 264 and accuses the Members of lying and trying to "muddy the waters".	1	22.10.2019	Councillor C - No further action was required as there were no new allegations against the Member.  Councillor S – No further action - The Complainant informed the Legal Services of Durham County Council of the Members visit to his home on 15 August 2019. Consequently, a letter was sent to the Member that day informing him that it was not appropriate for him to discuss the matter with the Complainant whilst it is still being considered by the Monitoring Officer. The Councillor accepted that he had attended the home and this was done in an attempt to resolve the matter quickly and amicably. There is no evidence to suggest that on attending the Complainant's home the Member was aggressive, intimidating or disrespectful towards the Complainant.

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COM 277	Town	24.10.2019	The Complainant states that he has had an allotment for 12 years. Recently, he received a letter regarding his allotment, informing him that he was required to tidy it up. The Complainant asked for three months to be able to carry out the required work. He asked for this timescale due to personal reasons which had made it difficult to find the time to attend to his allotment. The Complainant's wife attended an Allotment Committee Meeting on his behalf, the meeting was around August 2019 and it is alleged that a Member stated "come on now stop lying and tell the truth". It is alleged that a Member pressured the Complainant's wife to disclose his medical condition.	1 and 4		Awaiting comment from the Members.
COM 278	Town	17.10.2019	The Complainant alleges that the Member is knowingly and falsely using a fake identify to post and make comments on Council matters. It is asserted that this has been done to hide her accountability as a local Councillor.	Part 3 - disrepute.		Under consideration by the Governance Solicitor.
COM 280	Town	21.11.2019	It is alleged that the Member was angry and aggressive towards the Member at a public meeting. The Member called the Complainant and two other councillors liars. The Complainant finds the conduct of the Member to amount to bullying. The Member has failed to provide an apology to the complainant.	1, 2 and 6.		Awaiting comment from the Member.
COM 281	County	22.11.2019	It is alleged that the Member attended the property of the Complainant in October 2019 and took pictures of the fence to report to the Council. The Complainant did not have an issue with the reporting of the issue with the fence however the Member posted the images on Facebook without her consent. The Complainant considers that this was an attempt to humiliate her, the images showed her family home and she has been approached by others regarding the Facebook posts.	4.3 (j) - treat others with respect (l) not to disclose information given to them in confidence by another or information acquired which is of a confidential nature without authority or the law required it.		Under consideration by the Governance Solicitor.