

Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
COM 288	Parish	05.03.20	The Complainant alleges that the Council have had him blocked from a local Facebook group and issued a statement about him which makes false allegations about his character.	Respect Bullying or intimidatory behaviour Improperly confer an advantage or disadvantage; Disclose confidential information.	09.03.21	<p>No further action</p> <p>The complaint was made against the whole Council but related predominately to the Chair and Complainant where there were long standing issues.</p> <p>In respect of the Facebook page the administrator was unable to verify the identity of the author of the post. The Chair, on behalf of the Parish Council strenuously denied the allegations. It was not considered proportionate to investigate a complaint about a single Facebook post as further enquiries would be unlikely to resolve this matter to the satisfaction of the Complainant.</p> <p>The Governance Solicitor did record that there was no evidence presented as part of the complaint to support the false allegations made about the character of the complainant.</p>
COM 299, 310, 312,	DCC and Parish	Various 2020/21	The allegations against the Members are extensive and largely intertwined. The allegations date back to 2019 and involve similar complaints from different people, albeit that each complainant has their own	Respect Bullying or intimidatory behaviour	24.03.21	<p>Local Resolution</p> <p>All Members of the Parish Council and DCC member are to take part in a mediation session to be arranged</p>

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313, 335			<p>opinions on what happened and who was in the wrong.</p> <p>Many of the complaints relate to Facebook postings, allegedly containing disrespectful, bullying and inappropriate content. Various Facebook groups exist both to discuss the area of Great Lumley and for Councillors' own use and it is clear from this assessment that the groups are used extensively by those Members subject to these complaints.</p>	<p>Represent the community and work constructively with others.</p> <p>Deal with representations fairly.</p>		<p>by the Parish Clerk. The mediation session must be arranged within 1 month after the election.</p> <p>Members are reminded of social media etiquette and are to read the Social Media Toolkit, which will be issued by Durham County Council.</p> <p>Those named in the complaints are to refresh themselves with their governing Codes of Conduct and in particular note the rules about respect and be mindful of these rules when making comments to or about others, either in person or on social media.</p>
COM 300, 302, 303	Town and Parish	17.07.20	<p>It is alleged that the Members advised people that 'local far-right hate groups descended on Bishop Auckland market place on the pretence of defending the town's war memorial' on a social media post. The Complainant considers that none of the information he posted was factual. The Complainants consider that the Members have conducted themselves in a manner which is contrary to the Code.</p>	Respect.		In progress
COM 315	Town	18.11.20	<p>The Complainant details conduct since October 2018 to present by the Members which has amounted to bullying and harassment. The conduct of the Members</p>	<p>Respect</p> <p>Bullying or intimidatory.</p>	26.03.21	<p>No further action</p> <p>There was no evidence to support allegations of bullying or lack of respect. Challenges to the Complainant's actions and</p>

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			is said to be contrary to the code and policies.			decisions were made entirely in line with the Members' responsibilities to the Council, ensuring standards were maintained and rules followed.
COM 322 323 and 324	Town	04.01.21	<p>The Member made a post on Facebook suggesting the removal of an officer post from the Town Council. There was also a suggestion that the Member required that the officer attend a budget workshop meeting where he sought to single out the officer.</p> <p>The Member published an email between a Member and an officer of the Council on social media which is considered to be a data breach and has been reported to the ICO.</p> <p>There have been instances since November 2019 to December 2020 where the Member has targeted the Complainant and undermined the Complainants role within the Council by making comments at meetings and on social media. It is alleged that the conduct of the Member amounts to a breach of the code as well as the social media policy and member officer protocol.</p>	<p>Respect</p> <p>Bullying or intimidatory behaviour</p> <p>Not to disclose confidential information.</p> <p>Must act in accordance with all procedures.</p>	14.05.21	Referred for investigation
COM 326	Parish	15.01.21	The Complainant has been an officer of the Council and during the employment it is considered that the Member has bullied, harassed and intimidated the Complainant. There has been a pattern of	<p>Respect</p> <p>Disrepute</p>	14.04.21	<p>Local Resolution</p> <p>There was no evidence to support an allegation of bullying or harassment towards the complainant. In relation to conduct</p>

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			conduct and on 5th January this came to a head which has now prompted the Complainant to raise this complaint. The Complainant lists the examples of conduct and how this demonstrated a breach of the code.	Not to disclose confidential information.		during the meetings which were referred to within the complaint, it was considered that comments made during a meeting of the council it was considered that the Members comment may be perceived as disrespectful and or bringing the Council into disrepute. It was recommended that the Member refreshes themselves with the data protection policy and member code of conduct. If re elected the Member is to attend the induction training which will cover member code of conduct.
COM 327 and COM 345	Town	19.01.21	<p>An Employment Tribunal claim was brought against the Council. The Tribunal in its Judgement dated the 4th January 2021 upheld two allegations, namely that the employee had been unfairly dismissed and was subject to disability discrimination by way of a failure to make reasonable adjustment. The Complainant was not the Claimant in the Employment Tribunal but is aware of the Judgement which has been widely reported. The Complainant asserts that the conduct of the Council as recorded in the Judgement demonstrates breaches of the code.</p> <p>A further complaint was presented regarding the conduct of the members at the meeting on 15 March 2021.</p>	<p>Respect,</p> <p>Not to intimated or improperly influence,</p> <p>Not to compromise the impartiality of anyone who works for or on behalf of the Council.</p> <p>Disrepute</p> <p>Comply with any Standing Orders, policies and procedures adopted by the Council</p> <p>Not disclose information of a confidential nature.</p>	09.03.21	Referred for investigation Investigation ongoing.

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COM 333	Parish	01.02.21	It is alleged that the Member is posting on social media inflammatory, misleading and incorrect comments regarding the council which is resulting in residents responding to these false statements. The member has shown disrespect towards fellow Councillors and it is said that the actions of this member has resulted in the resignation of Councillors and there is a concern that others will follow suit.	Respect	02.03.21	Local Resolution It is recommended that the Member revisits and refamiliarises herself with the Code of Conduct and social media guidance. Further, additional training for the Member arranged by the Clerk regarding appropriate use of social media is recommended to take place within 3 months. Training was completed on 14.06.2021.
COM 336	Town	15.02.21	The Member was seen to be smoking/vaping during the Resources committee meeting held on Monday 8th February 2021. This meeting was official council business.	Respect Disrepute.	01.04.21	Local Resolution The Member did not respond as part of the complaint process but did after the issuing of the decision notice. The member did not deny vaping during the meeting and was aware of the policy. The Member confirmed that he thought that his camera was off and he was shown by the Clerk how to use the camera function after the meeting. The Member was asked to refresh himself with the Council's no smoking policy and is reminded that although Council meetings are currently taking place remotely, the no smoking policy still applies and he should not smoke/vape during Council meetings.
COM 337	Parish	18.02.21	The Complainant alleges that the Member accused him of fly tipping and this allegation was made on social media	Respect	31.03.21	Local Resolution The Member is to issue an apology and refresh on the guidance on

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			(Facebook). The Complainant alleged that the Member encouraged a member of the public to report the Complainant over comments made some time ago regarding dog waste. The Complainant further alleged the Member broke the rules on GDPR but stated that he does not wish to pursue this issue.			social media. From this complaint it was clear that both the Complainant and the Member had a great sense of pride in their local area. The Member made the post on Facebook when she was feeling very upset about perceived damage to work that has been long fought for. There is no doubt that the Member has the interests of the community at heart. However, in making the post she named another individual and made accusations of wrongdoing publicly. And this is likely to amount to a breach of the Code of Conduct.
COM 338 and 339	Town	19.02.21	The Complainant considers the tone and language used in emails amount to a breach of the code.	Disrepute Bullying or intimidatory behaviour Respect		In progress
COM 340	Town	01.03.21	The Complainant alleges that during the Council meeting the member made remarks and used language that is discriminatory against the Gypsy/Traveller community.	Respect	31.03.2021	Local Resolution The Member is asked to apologise for the terminology used and any offence caused at the next Council meeting, The Member is asked to review the Council's equality policies and is to undertake further training on

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						equality and diversity, to be arranged by the Clerk.
COM 341	Parish	01.03.21	The Clerk submitted her resignation on 22 February. It was alleged that the same day the job was advertised on the Council's website without consultation with the other councillors. The Complainant asked for information and documents relating to the employment of staff and complains that these were not provided.	Respect. Use the resources of the Council in accordance with its requirements.	30.03.2021	No further action The Member explained that she advertised the post as soon as possible to try to avoid the Council being in a position of having no Clerk from 1 April. The decision to do so was in consultation with the Vice Chair and the item was placed on the agenda for the next meeting. The Complainant was not entitled to the documents as she did not have line management responsibility, this approach was consistent with the standing orders.
COM 344	Town	16.03.21	The Complainant alleges the Member made an unsolicited phone call to his elderly parents, even though they are registered with the telephone preference service.	Respect Bullying or intimidatory behaviour. Disrepute	17.06.2021	No further action The Member as a volunteer caller on behalf of the Labour Party was not acting in her capacity as a Town Councillor and therefore the code of conduct is not engaged.
COM 347	Parish	22.04.21	It is alleged that the complainant was subject to a barrage of verbal abuse at a Council meeting from those complained of.	Respect Bullying or intimidatory behaviour. Disrepute		In progress Further information required

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COM 349	Town and County	05.05.21	The Member posted content on social media which was said to cause offence.	Respect	10.05.21	No further action The Member was not re-elected on 06.5.21 therefore no further action could be taken as code only applies to those who are Councillors.
COM 350	Parish	28.05.21	It is alleged that on 9 September 2020 the member failed to declare an interest on an item relating to the allotments of which she is a tenant. The member as part of her election campaign used a public village Facebook page to advertise litter picks. On 4 th May the Member and her partner posted false allegations and commented on the complainants conduct on the public village Facebook page.	Respect Bullying or intimidatory Disrepute Interests		In progress
COM 351	County and Parish	08.06.21	It is alleged that the Member failed to declare an interest and misrepresented the views of a local Councillor.	Be accountable Behave in accordance with all legal obligations, policies, protocols and procedures. Value colleagues and staff and engage with them in an appropriate manner Respect Disrepute		In progress
COM 352	Town	08.06.21	It is alleged that the Member failed to acknowledge both the complainant and	Respect.		In progress

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			his wife who had a stall at the event. The complainant considered this to be abject ignorance and made the complainant and his wife, who were new to the area, feel that they were unwanted at the event or in the area.			