

APPENDIX 2

**Code of Conduct Complaints - Update
22 March 2018**

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM121	Town Councillor	4 October 2017 Town Councillor	<p>The complainant alleges that at a meeting on 11 September 2017 during a debate regarding the lack of female representation in leadership roles at the Council the subject Councillor made an angry remark regarding a letter on the subject that had appeared in a local newsletter, and that he acted in an aggressive and threatening manner towards a member of the Council, ignoring the Chairman's repeated request to sit down.</p> <p>The complainant also alleges that during a telephone conversation on 19 September 2017 when the complainant asked the Councillor to consider making an apology for his behaviour at the next meeting, he became rude and angry, and hung up on her. The next day the complainant advises that the Councillor stated that he owed her an apology, but did not offer any apology for his behaviour at the meeting on 11 September 2017.</p>	1 and 2	12 February 2018	No Further Action Required but Local Resolution Recommended – that the subject Councillor and the complainant enter into some form of conciliation
COM 123	Parish Councillor	9 October 2017 County Councillor	<p>The complainant alleges that the Councillor:-</p> <ul style="list-style-type: none"> (i) removed public notices displayed within the village on 7 and 10 October 2017; (ii) made false claims about a Residents Group; (iii) made false claims about residents of the village; (iv) acted inappropriately towards a constituent, resulting in a restraining order being issued. 	2 and 3	4 December 2017	No Further Action

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COM 124-125	2 Parish Councillors	25 October 2017 Parish Councillor	<p>The complainant alleges that</p> <ul style="list-style-type: none"> (i) At a meeting in April 2017 the Councillors questioned why the complainant was in attendance and faced away from the complainant and the rest of the members throughout the meeting. (ii) Prior to the meeting of the Parish Council on 5 April 2017 one of the subject Councillors shouted across the table that the complainant had put the Council at risk by giving incorrect information and this was heard by Members of the Council. (iii) The Councillors have spoken aggressively and abruptly to various members of the Council at a number of Parish Council meetings since 5 April 2017. (iv) One of the subject Councillor's behaviour at a meeting of the Parish Council on 3 October 2017 was rude and inappropriate, and although he apologised at the request of the Vice-Chair, the complainant felt victimised and bullied. 	1 and 2	12 February 2018	<p>No Further Action in respect of one of the subject Councillors.</p> <p>Local Resolution requiring the other subject Councillor to enter into conciliation with the complainant by the end of March.</p> <p>In addition the Clerk to supply confirmation of the approval of the minutes of meetings by the end of March.</p>
COM 126-132	7 Parish Councillors	25 November 2017 Local Resident	<p>The complainant alleges that all the Councillors:-</p> <ul style="list-style-type: none"> (i) have failed to reply to correspondence sent by the complainant in May 2016, thereby failing to behave in such a way that a reasonable person would regard as respectful; (ii) took a decision concerning the memorial stone outside the Village Hall where their financial interest in the outcome, or the interest of those with whom they are closely 	1 for all the subject Councillors and 2 for one of the subject Councillors	14 February 2018	No Further Action

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			<p>associated, should have precluded the Councillors from participating;</p> <p>(iii) took a decision to spend public money on refurbishing the façade of the public house, similarly in breach of the requirements not to vote on matters affecting the financial interest of those with whom they are closely associated.</p> <p>The complainant also alleges that one of the subject Councillors:-</p> <p>(i) in April 2017 intimidated a local family over building works to their property, thereby infringing his obligation not to act in a way in which a reasonable person would regard as bullying or intimidatory;</p> <p>(ii) had stolen photographs belonging to the complainant and used them online without the complainant's consent, thereby failing to behave in such a way that a reasonable person would regard as respectful.</p> <p>The complainant also alleges that one of the subject Councillors had vandalised Christmas decorations on the village green, thereby failing to behave in such a way that a reasonable person would regard as respectful.</p>			
COM 133	Parish Councillor	13 December 2017 Local resident	On Tuesday 5 December a member of the public was exercising her dogs and it appears that one of them entered the Councillor's land to defecate. It is alleged that the Councillor became enraged and engaged in a tirade of abuse which included calling the person a 'moron' and 'stupid'. This followed what was said to be an aggressive note pushed through the door of the complainant's house the previous day by the Councillor concerning the use of her field as a	1 and 2	13 February 2018	No Further Action

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			<p>dogs' toilet. It is alleged that this amounts to behaviour which a reasonable person would not regard as respectful, contrary to Paragraph 1 of the Code.</p> <p>The complainant alleges that he is one of a multitude of dog owners living on the estate and that the Councillor has targeted only his household in her 'campaign' to prevent dogs defecating in her field. This campaign appears to have consisted of the note through the door and making, through a third party, an unfounded allegation of anti-social behaviour against the member of the public with whom the contretemps was had on 5 December. The complainant considers that this amounts to victimisation, contrary to Paragraph 2 of the Code which requires Councillors not to behave in such a way that a reasonable person would regard as bullying or intimidatory.</p>			
COM 134	County Councillor	4 December 2017 Local Resident	<p>The complainant complained that the County 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 and potentially paragraph 15	29 January 2018	The complaint has been referred to the Police to consider the Councillor's alleged failure to declare his disclosable pecuniary interest within 28 days of election and/or in a farm that he owns.

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						The alleged failure to declare interests and comply with the Member/Officer Protocol is to be considered under the Council's local assessment criteria following the Police investigation.
COM 135	County Councillor	18 January 2018 On behalf of a Local Group	The complainant alleges that on 4 January 2018 the Councillor commented on Facebook that the DLI Museum at Aykley Heads was a "rotting unvisited concrete box" and that this comment was posted onto the local Group's Facebook page. He subsequently, on 16 January 2018, noted on Facebook that his comments had appeared in the Northern Echo and showed a lack of contrition following the outcry from the public. The complainant states that the DLI Museum is surrounded by the cremated remains of veterans and others, and that the museum was home to some very historical, emotive, important, sentimental items.	1	22 February 2018	No Further Action

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COM 136	County Councillor	14 December 2017 Anonymous	It is alleged that the Councillor posted notices in his shop window which contained derogatory comments about Durham County Council and that he failed to declare his business in the Register of Member Interests.	1, 4, 6 (Member/ Officer Protocol), and Part 2 – Registration of Interests.		Currently being considered by the Legal Manager – Governance and Elections Law
COM 137	Town	25 January 2018 Town Councillor	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 require such an agreement to be made under seal, and that this did not happen.	3 and 4		Currently being considered by the Governance Solicitor
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. He therefore complains that the Code of Conduct has been breached by reason of a failure to treat others with respect, contrary to paragraph 1, and by displaying bullying or intimidatory behaviour, contrary to paragraph 2 of the Code.	1 and 2		Subject Councillor requested to speak to Independent Person. Currently being considered by the Governance Solicitor

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COM 139	County	5 February 2018 Local Resident	<p>The complainant alleges that:-</p> <p>(i) the Councillor has a conflict of interest relating to issues of anti-social behaviour in the complainant's area but has failed to declare this, contrary to Paragraph 5 and/or Part 2; and</p> <p>(ii) the Councillor has discussed confidential matters relating to the complainant with a third party without the complainant's permission, contrary to paragraph 9.</p>	Paragraph 5 of Part 1, and of Part 2. Paragraph 9 of Part 1	22 February 2018	No Further Action
COM 140	Town	14 February 2018 Town Councillor	<p>The complainant alleges that the Councillor verbally attacked him at a meeting of the Town Council Allotments Sub-Committee on 6 February 2018, after losing a vote on a motion. It is said that around 30 members of the public were in attendance. It is alleged that the Councillor said that the complainant hated him and his family in an outburst that nobody present could understand. The complainant alleges that this is the third attack on him by the Councillor and that "this last outburst is a step too far".</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave towards others, namely the complainant, in such a way that a reasonable person would regard as respectful, therefore breaching paragraph 1 of the Code.</p>	1		Subject Councillor requested to speak to Independent Person. Currently being considered by the Governance Solicitor
COM 141	Town	14 February 2018 Town Councillor	<p>It is alleged that on 15 November 2017 a meeting was taking place in the Chamber when the Councillor entered the Chamber before a Corporate Governance Meeting that was due to take place. The Chair of the meeting then going on apparently asked him to leave. It is said that he refused to do so, and expressed himself aggressively. He is alleged to have repeatedly shouted at the Chair of that meeting to "shut up" whilst pointing and shaking his finger.</p>	1 and 2		Subject Councillor requested to speak to Independent Person. Currently being considered by the

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			<p>The complainant then alleges that he asked the Councillor to cease shouting, to which he reacted by grabbing the complainant by the lower arm and screaming that he had 'had enough' of him before then letting go and sitting down.</p> <p>The complainant's allegations raise potential breaches of paragraphs 1 and 2 of the Code of Conduct which are the requirements to treat other people with respect and not to engage in behaviour which a reasonable person would regard as intimidating.</p>			Governance Solicitor
COM 142	County	26 February 2018 Local resident	<p>The complainant complains that whilst he was out canvassing on 16 February 2018 in a secluded area of the ward, the subject Councillor shouted at him, approached him and called him a liar. The Councillor is alleged to have told the complainant that he had 'had his chance' to be an Independent, but that 'time is up' for him. He is then said to have claimed that the complainant was breaching rules and that other people were running his campaign. The complainant claims that the Councillor was very aggressive and that the incident gave him concerns for his welfare.</p> <p>The complainant's allegations amount to allegations of a failure to treat others with respect, contrary to paragraph 1 of the Code, and of bullying, contrary to paragraph 2.</p>	1 and 2		Response awaited from the subject Councillor

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			<p>The complainant's allegation raises a potential breach of paragraph 6, actions which could be regarded as bringing the Council into disrepute.</p> <p>Complaint Ref: COM 145</p> <p>The complainant alleges that the Councillor informed Durham County Council that the Town Council had decided not to require polling cards to be distributed for two by-elections to be held in March 2018. It is alleged that he lacked proper authority to communicate this to DCC, because there had been no Town Council decision on the matter.</p> <p>The complainant's allegation raises a potential breach of paragraph 6, actions which could be regarded as bringing the Council into disrepute, and of paragraph 4, the use of the resources of the Council other than in accordance with its requirements.</p>	4 and 6		