

APPENDIX 2

**Code of Conduct Complaints - Update
5 October 2018**

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
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, 29 March 2018 and 30 July 2018	Referred to Standards Committee Hearing Panel.
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.	Part 1 paragraph 4 and Part 2 paragraph 11	5 April 2018	Investigation completed and local resolution achieved.
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	16 February 2018	Investigation ongoing.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 156	County Councillor	18 June 2018 County Councillor	<p>The complainant complains that</p> <ol style="list-style-type: none"> 1. The Councillor recently took steps to reinstate some vandalised headstones in a cemetery in complainant's ward, and gained press coverage in so doing. It is alleged that in not contacting the complainant the County Councillor displayed a lack of respect. 2. The Councillor should have adhered to the ICCM's "Management of Memorials" document and in particular its advice that anyone involved in making headstones safe should undergo sufficient training and conduct an appropriate risk assessment. In failing to do so, the Councillor has brought the Council into disrepute. 3. by taking these steps the Councillor compromised the bereavement team staff who, as a result of their actions, were then obliged to go out and make all of the headstones safe. This, it is alleged, amounts to a lack of respect for officers. 4. In taking to social media and the press to publicise their actions, together with a subsequent litter pick event, it is alleged that the Councillor has used their actions to their own advantage and again failing to accord the complainant sufficient respect. The complainant notes that the Councillor considers that the cemetery is part of their responsibility, but the complainant considers that the cemetery comes under bereavement services which is within another remit. 	4.3 (i) and (j)	18 July 2018	No Further Action.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 157	Town	21 June 2018 Member of the public	<p>The complainant alleges that the Councillor allowed her interests to conflict, contrary to the provisions of the Code of Conduct that prevent her from participating in Council business where her disclosable pecuniary interests are involved.</p> <p>The Councillor's register of interests records that she is the 'operations manager' of a charity and that this is her employment, office, trade, profession or vocation carried on for profit or gain. As a "Disclosable Pecuniary Interest" this would preclude her from participating in Council business that affected the charity. The same section of the Councillor's Register appears to record that her spouse or partner also has an interest in the charity.</p> <p>The complainant alleges that the Councillor was previously a Trustee and that her spouse or partner continues to be a Trustee. Despite this interest, the Councillor decided to nominate the charity as her chosen Mayoral charity, and there is a clear conflict of interest.</p> <p>The complainant also complains that the same charity has been nominated for two years running, which she considers unethical although no specific Code provisions are cited.</p>	Disclosable Pecuniary Interests	18 July 2018	<p>Local Resolution - Cllr asked to either cease managing the charity for her term of office or withdraw the charity's nomination as a beneficiary of Mayoral funds,</p> <p>Councillor has agreed to reduce her involvement in the charity to the extent it does not require registration as an interest.</p>
COM 158 – 165, 169, 171-178	Town	25 June 2018 – COM 158-165 3 July 2018 COM 169 9 July 2018 COM 171-178	<p>The complainants complain about social media postings on the Councillor's Facebook page. The allegations are that these postings are variously homophobic, transphobic, extremist, stir up hatred against persons on the basis of protected characteristics such as sexual orientation and religion and that the Councillor has advocated the physical chastisement of children.</p>	1, 2, 3, 6	19 July 2018	No Further Action.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			Additionally a further complaint alleges that the Councillor has been dishonest with the donations he receives for the needy			
COM 166-168	Town	28 June 2018 Town Councillor	<p>The complainant complains of racially-motivated bullying and humiliation:-</p> <p>COM 166</p> <ul style="list-style-type: none"> (i) Announcing to the Complainant, at an event in May 2017, that nobody would vote for the Councillor if she stood for election because the Councillor is related to Travellers; (ii) at a Council Events Committee meeting in June 2017, handing the Complainant a document and querying whether she would be able to read it; (iii) in May 2018, discussing in a public house a desire to remove the Complainant from the Town Council; (iv) at the Town Council's AGM, suggesting that the Complainant should represent the Council on the outside body known as the Travelling Association. <p>COM 167</p> <ul style="list-style-type: none"> (i) At a Town Council meeting at which the subject of loose horses in the area was raised, asking the Complainant if they were the Complainant's horses; (ii) in May 2018, discussing in a public house a desire to remove the Complainant from the Town Council and telling another Member, who was dissenting because she did not wish to be thought of as a racist or a bigot, to 'get over it'. <p>COM 168</p> <ul style="list-style-type: none"> (i) in May 2018, discussing in a public house a desire to remove the Complainant from the Town Council, and telling another dissenting Member to 'toe the party line' on the matter. 	1, 2, 3	3 August 2018	Local Resolution. The Complainant and the subject Councillors have agreed to local mediation.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 179	County	12 July 2018 Member of the public	<p>The Complainant complains that on three occasions between April and June 2018, on Saturday mornings, garden materials (appearing to be compost and garden bark) were delivered to the Councillor's private property by council employees using council trucks. The complainant questions whether it is ethical for a county councillor to be using council vehicles and employees for their own personal use, and asks whether this cost is being met by council tax payers.</p> <p>The complaint amounts to an allegation that the Councillor has failed to behave in a manner that maintains public confidence in the Council consistently with the principle of selflessness, contrary to paragraph 4.2(a) of the Members' Code of Conduct.</p>			Currently being considered by the Governance Solicitor.
COM 180 - 188	Parish	13 July 2018 Member of the public	<p>The Complainant complains about posts on the Parish Council's Facebook page and about signage recently placed in the Council car park in the Parish. The posts and signs appear to be directed towards persuading customers of the Co-Op store to park in the Co-Op car park rather than in the Council car park.</p> <p>The Complainant considers that the social media posts and the car park signage are uncivil, harassing and potentially defamatory of the Co-Op. He refers to the Co-Op sign being 'crossed out' which he understands to mean that the Parish Council is encouraging customers to boycott the Co-Op. He questions the legality of the Council seeking to direct who may use the Council car park having regard to their intended destination. He also considers that the Members are promoting an unsafe and potentially dangerous solution to the parking problems in the village.</p>	1 and 3	2 August 2018	No Further Action.

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
			<p>The Complainant complains that the Council's social media policy has been breached. That policy requires that communications from the Parish Council will be "civil" and will not contain content that is knowingly harassing or defamatory. By the Parish Council's sanctioning of these communications, the complaint amounts to an allegation that each of the Parish Councillors has breached the Code of Conduct in that they have failed to treat others with respect and have brought the Council into disrepute.</p>			
COM 189 - 194	Town	<p>20 July 2018- COM 189 26 July 2018- COM 190 30 July 2018- COM 192 31 July 2018- COM 193-194 4 Town Councillors and one County Councillor</p>	<p>The Complainants allege that during a Council meeting of 18 July 2018, chaired by the subject Councillor, he refused to take advice from the Clerk and was abrasive and abrupt towards him. The Complainants complain that one of the Councillors present was warned that she would be asked to leave the meeting after complaining about the Chair's behaviour during the proceedings. The Complainants found his conduct towards the Clerk to be bullying and upsetting. A further Councillor complains that the subject Councillor has a vendetta against the Clerk.</p> <p>This amounts to an allegation that the Councillor has not behaved in such a way, during the conduct of his office that a reasonable person would regard as respectful, and has acted in a way which a reasonable person would regard as bullying or intimidatory.</p>	1 and 2		<p>Subject Councillor requested to speak with Independent Person. Currently being considered by the Governance Solicitor.</p>

Ref No:	Subject Member	Date received and complainant	Allegations	Paragraphs of Code	Date of Decision Notice	Outcome
COM 195	Parish	10 September 2018 Member of the public	The Complainant complains that the subject Councillor asked him to move his car in an unnecessarily aggressive and hostile manner.	1		Currently being considered by the Governance Solicitor.