

Performance and Governance
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SCARBOROUGH BOROUGH COUNCIL

Your Ref:
Our Ref: 2021/ 61366

08 March 2021

Dear [REDACTED]

Standards Complaint No. 2020/ 61366

Further to the complaint made by you as outlined above, the Deputy Monitoring Officer and Independent Persons have received and reviewed the report and I am satisfied that no further action is necessary.

If you require any further information, please do not hesitate to contact the Performance and Governance Team on 01723 232323 or email standards@scarborough.gov.uk

Yours faithfully

Lisa Dixon
Director and Monitoring Officer

✉ standards@scarborough.gov.uk
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DECISION NOTICE: Standards Complaint

Relevant Authority: Scarborough Borough Council **Reference no:** 61366

Complainant: **Councillor:** Cllr

[REDACTED]

Date Complaint Received: 25 January 2021

Date of Decision Notice: 8 March 2021

Outcome: No further action required

1. The Complaint

Scarborough Borough Council has received a complaint from the Complainant in relation to the Councillor. The following summarises the general nature of the allegation:

- The Complainant states that the Councillor has a 'fake' social media profile which she used to threaten the Complainant;
- The Complainant states that the Councillor has also falsely accused an individual (Mr Tim Thorne) of defamation in a Facebook post and this in itself is defamation and disrespectful.

2. Decision:

The complaint was considered with the Independent Persons on 5 February 2021 and it was concluded that:

- There is no evidence to suggest that the Councillor has a 'fake' social media profile. Whilst the two profiles display the same picture, this is not conclusive evidence as the photo can easily be obtained from the publically accessible profile.
- In relation to the Facebook post, this has been posted on the Councillor's Facebook page and Councillor [REDACTED] has identified herself on this page as a Councillor. Posts on this page are therefore made in Councillor [REDACTED]'s capacity as a councillor. The comments made by the Councillor do not however amount to defamation. The Councillor has a right to explain to her constituents the circumstances surrounding and reasons behind her decision making.

3. Relevant Paragraphs of the Code of Conduct

PART B – OBLIGATIONS AND CONDUCT

1. You must treat others with respect
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute

4. Terms of Reference

Section 28(6) of the Localism Act 2011 provides that a relevant authority other than a parish council must have in place:

- (a) arrangements under which allegations can be investigated, and
- (b) arrangements under which decisions on allegations can be made.

Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

Upon receipt of a complaint and after consulting with the Independent Person, the Monitoring Officer will do one of the following:

- decide that no action should be taken in respect of the allegation;
- refer the allegation to an Investigating Officer for further investigation;
- decide on alternate action to resolve the complaint; or
- refer the matter to the police for investigation.

The information upon which a decision is made is restricted to information provided by the Complainant or is publicly available, for example information in the Members' Register of Interests or the public minutes of meetings. It will not include interviews or an investigation.

5. Additional Help

If you need additional support in relation to this or future contact with the Committee, please contact the Performance and Admin Manager on 01723-383528 or by electronic mail at standards@scarborough.gov.uk.