



LEDBURY TOWN COUNCIL

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21 February 2024

Dear Councillor

You are summoned to attend an extraordinary meeting of **LEDBURY TOWN COUNCIL** to be held on **Wednesday, 28 February 2024** at **7.00 pm** in the **Council Offices, Church Lane, Ledbury** for the purpose of transacting the business shown in the agenda below.

Yours faithfully

Helen I'Anson
Town Mayor

FILMING AND RECORDING OF COUNCIL MEETINGS

Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner. Whilst those attending meetings are deemed to have consented to the filming, recording, or broadcasting of meetings, those exercising the rights to film, record or broadcast must respect the rights of other people attending under the Data Protection Act (GDPR) 2018

AGENDA

1. **Apologies**
2. **Declarations of Interests**

To receive any declarations of interest and written requests for dispensations.

Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by the Ledbury Town Council Code of Conduct for Members and by the Localism Act 2011.

(Note: Members seeking advice on this item are asked to contact the Monitoring officer at least 72 hours prior to the meeting)

3. Nolan Principles

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

4. To approve and sign as a correct record the minutes of a meeting of Full Council held on 25 January 2024 and a reconvened meeting of Council held on 7 February 2024 (Pages 1147 - 1163)

5. To consider questions/comments from members of the public in accordance with the provisions of Standing Orders 3(e) and 3(f)

"Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the Chairman of the meeting"

6. To give consideration to the Outcome of the Complaint against Councillor Sinclair (Pages 1164 - 1174)

Attached:

- Monitoring Officer's Decision Notice

**Distribution: - Full agenda reports to all Councillors (12)
Plus file copy**

**Agenda reports excluding Confidential items to:
Local Press (2)
Library (1)
Police (1)**

LEDBURY TOWN COUNCIL
MINUTES OF A MEETING OF FULL
COUNCIL HELD ON 25 JANUARY 2024

PRESENT: Councillors Bradford, Chowns, Eakin, Furlonger, Harvey, Howells, l'Anson (Chair), McAll, Morris, Newsham, Sinclair

ALSO PRESENT: Angela Price -Town Clerk
Julia Lawrence – Deputy Town Clerk
Charlotte Barltrop – Minute Taker
Justine Peberdy
6 Members of the public

C184. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hughes.

C185. DECLARATIONS OF INTERESTS

Councillor McAll declared an interest in item 24 due to his involvement with Ledbury Rugby Football Club.

C186. NOLAN PRINCIPLES

The Mayor read the Nolan Principles to the members.

RESOLVED:

That the Nolan Principles be received and noted.

C187. APOLOGY FROM COUNCILLOR SINCLAIR TO LEDBURY TOWN COUNCIL AND THE RESIDENTS OF LEDBURY FOR BREACHING THE CODE OF CONDUCT

Councillor Sinclair made the following statement:

“Good evening, I am Councillor Sinclair and I am guilty of breaching the Code of Conduct.

It is quite ironic that I am making this apology to Residents and the Council, after the Nolan Principles were noted. Let's be quite clear if certain Councillors had been open, honest and transparent, this apology would not be necessary.

If it hadn't been for Steve Ellis bringing the desecration of the War Memorial to my attention and our persistent search for the truth, nothing would have happened. What I will say is, the previous Council appointed Ian Bishop to refurbish the War Memorial and he and his team have refurbished it to a very high standard.

Firstly, I would like to apologise to the residents for failing to notice the significance of an email dated 29 October 2020, informing certain Councillors that the Paving Stones were unsuitable. What followed was a web of deceit, to conceal what had happened, residents were misled in at least two public meetings, two of the culprits who misled the residents are sat in this room tonight; they are called Councillors Howells and Harvey. I disclosed the information, in an email dated 4 December 2023 to Fellow Councillors, none were interested in the truth, even when they knew what the truth was, but they were prepared to hang me out to dry, for trying to expose the truth.

Secondly, I would like to apologise to Ledbury Town Council for not taking steps to ensure members understood the full context of my seeking their authority to refer the matter to the Police from March to June 2023.”

During Councillor Sinclair’s apology some members expressed their discord with the content and wished to raise concerns. The Mayor and Clerk advised that if they had any feedback in relation to the apology, they should provide it through the process being undertaken with the Monitoring Officer.

Councillor Howells asked that it be noted that this was not an apology and that he resented and completely refuted any accusations of wrongdoing and indeed the only person found guilty of wrongdoing was Councillor Sinclair.

The Mayor thanked Councillor Sinclair for his statement.

C188. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF AN EXTRAORDINARY MEETING OF FULL COUNCIL HELD ON 7 DECEMBER 2023

Councillor Harvey requested clarification on minute C177, which related to Smart Water, enquiring as to the lack of context surrounding this minute and why the decision was taken.

Councillor McAll stated that it was simply a case of discussing the risk versus the costs. It was deemed that the cost was inappropriately high, hence the decision.

RESOLVED:

That the minutes of the extraordinary meeting of Full Council held on 7 December 2023 be approved and signed as a correct record.

C189. HEREFORDSHIRE COUNCILLORS’ REPORTS

To receive reports from Ledbury Ward Members:

- i. Councillor Harvey
- ii. Councillor Peberdy
- iii. Councillor Simmons

RESOLVED:

That the Ward Reports be received and noted and that the Ward Councillors be thanked for their in-depth reports.

C190. MAYORS COMMUNICATIONS

Councillor l'Anson made the following statement:

Julian and I attended several Carol services, the most exciting was the Community Choirs Christmas Concert which was fabulous.

When I became a Ward Councillor in 2019, I campaigned for a venue to be found for our young, who have been without one since leaving their drop in centre. You probably saw me with my banner saying, "Give Our Youth a Drop In Before They Drop Out". There have been so many dead ends and hollow statements, being told things are in the pipeline, and that discussions are ongoing etc. etc. and nothing has actually happened. I am very pleased to report that the Kiln Church, who began worshipping on Sundays in the Community Centre in Ledbury over a year ago and whose pastor, David, is my chaplain, have taken the positive step of booking the Community Centre on Friday evenings from the beginning of March indefinitely to host a Youth Club with lots of activities, like volley ball and good things for the young to eat as well. The helpers are all being DBS checked at the moment, Kiln are doing this and they have not asked for a penny.

Moving on to 2024, we have lots of exciting things to look forward to, we have the Big Breakfast, the Mayor's Valentine's Coffee Morning, and there will be a celebration for International Women's Day which is very appropriate because we are fortunate in Ledbury that Women are very prominent, many traders are Women, we have all female Council Office staff, three female Ward Councillors and a female Mayor. We also have World Book Day and I am happy to announce that on 3 May at John Masefield Theatre we will be holding Ledbury's Got Talent.

We are also planning to hold a Councillor Coffee catchup which will, hopefully, involve all our Councillors and the Ward Councillors who can get together to discuss matters which can be taken to Herefordshire Council.

Something to look out for is a film which is coming out which is known as "Ledbury Actually" or #Carryonco-opting.

RESOLVED:

That the Mayor's Communication be received and noted.

C191. TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)

Brenda Hill, member of the Friends of the Cemetery group, spoke regarding the future of the cemetery.

She stated that she was upset that the residents had not been informed of the discussion that would take place and that Ledbury Town Council should consult with the residents of the Town prior to making decisions of this nature. She stated that the lack of Councillor surgeries meant that Councillors were not available to speak with.

Councillor l'Anson advised that she had called for a Parish Meeting to be convened which would be held on Thursday, 15 February, venue to be confirmed, at 6pm in order to discuss this matter and allow residents to have their say.

Councillor Bradford reminded those present that all meetings are publicised and open to the public and that the agendas for all meetings were advertised both online and in the Town Council notice board. He stated that surgeries had been in place, but these had not been attended so had been abandoned, although he was not averse to reinstating them. Councillor Sinclair advised that when he first joined the Council he had held surgeries for a period of six-weeks under the Market House, but only one person stopped to speak to him and therefore he had decided not to continue with these.

Councillor McAll agreed that Councillor surgeries should be in place and promised to investigate this matter personally.

Tony Hodder spoke regarding the provision of a Youth Club in Ledbury. He informed Members that LYAS is in the process of signing a lease agreement to use St Katherine's Hall as a Youth Club and that this work is being carried out in conjunction with LEAF, Ledbury RFC and several Ledbury Schools. The group would like to carry out a consultation and have submitted a request for funding which is at item 24 of the agenda.

C192. Councillor McAll proposed to move item 24 of the agenda, Ledbury Youth Consultation Exercise, to this point in the meeting to allow members of the public to listen to the discussion fully and leave afterward should they so wish.

Councillor Sinclair proposed that item 12, Minutes of the Environment & Leisure Committee meeting held on 4 January 2024, be moved to this point for the same reasons.

RESOLVED:

- 1. That item 12 be moved to this point in the agenda.**
- 2. That item 24 be moved to this point in the agenda.**

C193. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 4 JANUARY 2024 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Councillor Chowns presented the minutes of the meeting of the Environment & Leisure Committee held on 4 January 2024.

Councillor Harvey pointed out that whilst the item discussed in minute E88, Future of Cemetery Land provision, will be referred to a Parish Meeting, if members of the public had been present at the Environment & Leisure meeting on 4 January 2024, they would not have been able to listen to the item named as it was a confidential item on the agenda.

Councillor Harvey asked whether this item had been included in the S106 wish list as there may be discussions which can be had with developers regarding this matter. She went on to state that she was not in favour of holding a Parish Meeting until further information could be provided to attendees regarding the matter. She stated that LTC need to look at all the options fully, including inclusion in the NDP and the possible creation of a Green Gap – Woodland Burial Site.

RESOLVED:

1. **That the minutes of a meeting of the Environment & Leisure Committee held on 4 January 2024 be received and noted.**
2. **Minute no. E78(1) - That the Exclusive Right of Burial exceeding 18 years (Ledbury Resident) be increased from £462.00 to £500.00.**
3. **Minute no. E78(2) - That the Exclusive Right of Burial in the Garden of Remembrance (Ledbury Resident) be increased from £154.00 to £200.00.**
4. **Minute no. E80 - That it be noted that this the recommendation had been superseded by a further meeting of the Christmas Lights Task & Finish Group, and that this was now being progressed by officers.**
5. **Minute no. E88 - That it be noted that the Mayor had requested that a Parish Meeting be convened to allow an open discussion with residents and to enable Council to outline the potential costs involved and therefore this recommendation had been superseded.**
6. **That the provision of cemetery land be considered as a key objective in the Neighbourhood Development Plan.**

C194. LEDBURY YOUTH CONSULTATION EXERCISE - REQUEST FROM COUNCILLOR MCALL

Tony Hodder was invited to speak further regarding this item.

He stated that this was an exercise to engage with young people in Ledbury, working with Rural Media who had previously worked on this type of project. He advised that this will be a professional consultation, which will be clear in terms of the evidence it provides. The consultation will cost a total of £2,000, which will be funded from various sources within the project, £500 of which is being requested from Ledbury Town Council.

Councillor Sinclair proposed that the grant be approved.

Councillor Harvey asked whether this request should be considered via the Council's grant's application procedure.

A question was raised in respect of funds that had been agreed previously to assist LYAS but had not been used. Tony Hodder advised that it was his recollection that these funds were to cover the costs of rent and as such would be drawn down in the future, advising that the £500 being requested was separate to those funds. It was explained to newer Councillors that the monies being referred to were granted to LYAS in 2019 and had been granted for the payment of rent for premisses, at the time this was the Barratt Browning Institute, however after the first year of the grant the agreement ended, and the two subsequent years promised have been placed into earmarked reserves until such time as new premises are secured.

Councillors agreed that the provision of a Youth Club by LYAS was a welcome return for the community. It was proposed that the request for £500 should be granted subject to the receipt of the appropriate grant application from those involved.

Councillor Eakin proposed an amendment to Councillor Sinclair's as follows:

That the grant for £500 be approved in principle, subject to receipt of a completed grant application. Councillor seconded the amendment.

A vote was taken on whether to accept the amendment, which was accepted, therefore this became the substantive motion to be voted on.

RESOLVED:

That the request of £500 grant funding be approved in principle subject to receipt of a completed grant application form.

Councillor Eakin left the meeting at 8.27pm

C195. TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9

Councillor McAll had submitted the following Motion seconded by Councillor Newsham:

That a working party of selected staff and councillors to define and produce a procedure to support proper internal analysis and consideration of issues and initiatives before they are deemed fit for public consumption.”

Councillor McAll expanded on his Motion, detailing a further example that had arisen in respect of the Cemetery issues. He explained that it was about finding a mechanism whereby the Council can work together to research matters ahead of them being brought into the public domain.

There were concerns that having meetings of Councillors to discuss matters ahead of them being discussed at Council meetings, which are held in the public domain, could be considered untransparent.

Councillor Harvey stated that whilst she understood the concerns around transparency, and that information on agendas and minutes being in the public domain once published, however she understood that this motion was about the work put into the preparation of the agendas so that when something is published into the public domain it has been thought through and that the information is presented in a cogent manner and which provides the options to Council before making a decision. She recognised that many of the reports provided by officers provide this, however there is room for improvement. She added that given the most recent issues raised in local press and social media there is a need to look at how the Council can do things to have a more robust approach which will in turn reduce the frequency of these sorts of concerns, to avoid the undermining of public confidence in the Council.

Councillor McAll reassured Members that he was not proposing that council business should not be shared with the public, it was about finding a way to make it clear to the public that often what is shared is embryonic thinking and not Council policy.

Following considerable discussion Councillor McAll offered an amendment to his proposal as follows:

That a Working Party be established of Staff, Councillors and public representatives to define and produce a procedure to support proper internal analysis and consideration of issues and initiatives before they are deemed as representative of the Council's formal view.

Councillor Sinclair expressed concern that this would mean that Council business would be conducted behind closed doors rather than in public meetings and therefore he did not feel that he could not support the motion.

Councillor Sinclair called for a named vote:

Councillor Bradford	Against
Councillor Chowns	Abstained
Councillor Furlonger	For
Councillor Harvey	For
Councillor Howells	For
Councillor l'Anson	For
Councillor McAll	For
Councillor Morris	For
Councillor Newsham	For
Councillor Sinclair	Against

RESOLVED:

That a working party comprising of staff, Councillors and public representatives be established to define and produce a procedure to support proper internal analysis and consideration of issues and initiatives before they are deemed as representative of the Council's formal view.

C196. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE RESOURCES COMMITTEE HELD ON 7 DECEMBER 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

That the minutes of a meeting of the Resources Committee held on 7 December 2023 be received and noted.

C197. TO RECEIVE AND NOTE THE MINUTES OF MEETINGS OF THE PLANNING, ECONOMY & TOURISM COMMITTEE HELD ON 14 DECEMBER 2023 AND 11 JANUARY 2024 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

Councillor Harvey asked whether the listed items at minute P148.2 on page 1040 had been decided upon in conjunction with a Highways Engineer.

Councillor Howells stated that this list had been drawn up as part of a walk-around with the locality steward and highways engineer.

Councillor Harvey asked that going forward, once the issues have been identified, a list of issues is drawn up and provided to Highways Engineers for discussion in an attempt to identify what the appropriate solutions are.

RESOLVED:

- 1. That the minutes of the meetings of the Planning, Economy & Tourism Committee held on 14 December 2023 and 11 January 2024 be received and noted.**

2. **That the recommendation from minute P148.2 be submitted to Hereford Council Officers for further consideration and discussion.**

Councillor McAll left the meeting at 9.01pm.

Councillor McAll returned to the meeting at 9.02pm.

C198. SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

To suspend Standing Order 3(x) for a period of fifteen minutes to enable urgent business of the agenda to be completed.

C199. TO CONSIDER QUOTES RECEIVED FOR TREE FELLING AT DOG HILL WOODS

Councillor Sinclair raised concerns regarding the quotation received from company 4, noting that it was considerably lower than the other three quotations received and did not appear to be like for like.

The Deputy Clerk advised that all of the companies had received the same specification. This had initially included the works being carried out under a full road closure, however, post an instruction from BBLP that a single lane must be open, each company was advised of this and whilst three of the companies had increased their quotes company 1 had not. She advised that she spoke with them to discuss this with them following which they increased their quote by £750.

RESOLVED:

That Company 1 be appointed to undertake the tree felling at Dog Hill Wood, in the week commencing 12 February 2024, as per the specification provided in the report.

C200. RECOMMENDATION FOLLOWING MEETINGS WITH HOOPLE AND NALC HELD ON 15 AND 17 JANUARY

There was a short discussion regarding the meeting with NALC whereby Councillors Harvey, Bradford and Morris expressed their concerns about being members of NALC/HALC due to past experiences with the organisation.

Councillor Howells expressed his sympathy for the past experiences but stated that the Council should have followed the advice of the Monitoring Officer in the previous case and that Ledbury Town Council needed to work with a company who could provide industry specific advice.

RESOLVED:

- 1. That Ledbury Town Council join NALC and HALC at a cost of £2,085.16, noting that joining now would provide 14-months service for the cost of 12-months and that paying fees prior to 31 March 2024 would entitle them to two free Councillor only spaces on any 2024/5 HALC evening training event, valued at £50.00 each.**
- 2. That the Clerk be instructed to authorise payment of the invoice in the sum of £2,085.16 (plus VAT) to join NALC/HALC.**

The meeting was adjourned at 9.16pm.

Signed Dated

(Town Mayor)

DRAFT

LEDBURY TOWN COUNCIL
MINUTES OF A RECONVENED MEETING OF FULL COUNCIL
HELD ON 7 FEBRUARY

PRESENT: Councillors Chowns, Furlonger, Harvey, Hughes, l'Anson (Chair), McAll, Morris

ALSO PRESENT: Angela Price -Town Clerk
Julia Lawrence – Deputy Town Clerk
Charlotte Barltrop – Minute Taker

C184. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bradford, Howells, Newsham and Sinclair.

C185. DECLARATIONS OF INTERESTS

No declarations of interest were received.

C186. TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 18 JANUARY 2024 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

That the minutes of a meeting of the Finance, Policy & General Purposes Committee held on 18 January 2024 be received and noted.

C187. TO RECEIVE INVOICES FOR PAYMENT NOVEMBER 2023 (Final)

The Clerk advised that due to the invoices not being considered at the meeting held on 25 January 2024, these invoices had subsequently been approved by the Chair and Vice Chair of the Finance, Policy & General Purposes Committee, along with the Mayor and therefore were now to be considered retrospectively.

RESOLVED:

- 1. That the invoices for Payment for November 2023 in the sum of £16,482.01 plus VAT be noted as paid.**
- 2. That the Clerk ensure that the Council's insurers have been advised of the new play equipment and added to the asset register accordingly.**

C188. RECOMMENDATIONS FROM OTHER COMMITTEES

- i. Finance, Policy & General Purposes Committee - Minute No. F92(2) – That Caroe & Partners be appointed to provide a feasibility study and quantity surveyors report in respect of a proposal to install a stairlift at the Market House at a cost of circa £3,600 to be funded from the Listed Buildings Earmarked Reserve.

Councillor Harvey advised that communications in respect of this project need to be well managed ahead of any decisions being made as to how this will proceed. Councillors supported Councillor Harvey's suggestion in respect of communication.

- ii. John Masefield Memorial Working Party - Request from Chairman – That Council agree to release £3,000 from the John Masefield Memorial Working Party grant, for use in respect of marketing, branding, and communications of the project.

Councillor Morris advised that the Working Party is at a state whereby marketing and a corporate identity and branding need to be established the Working Party would like to draw down £3,000 from the budget available.

Councillor Harvey asked whether there was a plan in respect of the marketing and branding etc. Councillor Furlonger advised that with regard producing the brand, he would be willing to do this free of charge, however the funds would be required to translate that into a visual identity, which would include a logo and stationery for the project, noting that these documents are needed in support of the National Lottery Heritage Fund bid.

Councillor Harvey advised that she was supportive of providing the funds but that she would expect to see a breakdown of the costs involved as a proposal. She also asked whether Councillor Furlonger had any pecuniary interest in respect of translating the branding into a visual identity, to which Councillor Furlonger advised that this was a different skill set, which would require input from a suitably qualified individual.

- iii. Planning, Economy & Tourism Committee – 9 November 2023 (minute no. P119 refers) - That the Draft Markets Strategy document be recommended to Full Council for consideration and adoption ahead of the next stage, delivery plan.

Councillor McAll introduced the Draft Markets Strategy and Policy documents. He advised that it had been agreed that this draft should be presented to Council to establish whether the Working Party were on the right path with respect both documents. He advised that there had been some feedback which needs to be taken into account going forward. He pointed out that this is not a final document and that there a number of points that need to be challenged and reviewed.

Councillor McAll asked Members to consider whether this strategy and policy are something that the council can take on with a view to refining it and getting it right or do the group need to go back and expand on it much harder and more robustly.

Councillor Harvey welcomed the documents, she recognised that this has been discussed on many occasions over many years, but she was glad that council were coming back to this. She felt that all of the market towns are unique in their own way and do not necessarily compete against each other in respect of markets and she felt that Ledbury as a market town needs to establish itself and its market.

The following comments were provided in respect of the Strategy document:

- This document starts talking about what successful markets look like, but then evolves into something that is a bit more “this is what we want” without appearing to have gone through a broader stakeholder phase. She suggested that to improve on this document the wording should be changed to show what successful markets look like i.e. themed markets, entertainment etc. and what successful markets do to attract traders, learning from having visited other places. Then open it up to a conversation with the traders of the town and recognising that this is not about competing with them.
- The tourism element should be considered
- If this is a consultation document, how is it going to be consulted on?

The following comments were provided in respect of the Policy:

- It was noted that this was an update on the current document
- Should avoid confusion about who can make decisions about what is suitable for sale on the market
- Concerns were raised around the market hours (8.00 am – 4.00 pm), however it was noted that to change the hours would mean a change to the TRO that is currently in place
- What does the Charter dictate in respect of hours?
- Consider a core trading time to be stipulated in the policy – traders should be encouraged to ensure that they bring sufficient stock so as not to leave the market early

RESOLVED:

- 1. That Caroe & Partners be engaged to undertake a feasibility study and provide a quantity surveyors report in respect of a proposal to install a stairlift at the Market House at a cost of circa £3,600 to be funded from the Listed Buildings Earmarked Reserve.**

2. That the feasibility study includes an opinion on the impact on the building of failing to be able to maximise its flexible use.
3. That officers and the Chair of the Environment & Leisure Committee draft a press release advising that the Council are commissioning a feasibility study to consider the viability of having a chair lift fitted to the Market House.
4. That members agree in principle to release £3,000 from the John Masefield Memorial Working Party grant, for use in the marketing, branding and communications of the project subject to receipt of a full budget and plan being received.
4. That an email be provided to all members requesting feedback on the Draft Markets Strategy and Draft Markets Policy, which will be provided to the Markets Working Party.
5. That display boards and feedback forms be available at the Annual Parish Meeting asking members of the public to provide feedback on the Council's enthusiasm for expanding the market, including market themes for the future.
6. That signs be placed on the barriers advising why the space is closed off for parking.
7. That the Clerk review the Market Charter in respect of what activities can take place at the Market House on days other than Market Days.

C189. MISSING DEFIBRILLATOR

Members were advised that the defibrillator from the Alms Houses is missing and that officers have been unable to locate it.

RESOLVED:

1. That a replacement defibrillator be purchased to replace the missing one from the Alms Houses, and that if/when the original one is found and returned this be used in the phone box on Bridge Street.
2. That the missing of the defibrillator be reported to the Police and the NHS Trust.
3. That a Smart Water vial be purchased to be used on the new unit.
4. That the Clerk contact the Insurance company to check whether the defibrillator is covered by the council's insurance.

C190. TERMS OF REFERENCE – ENVIRONMENT & LEISURE

Members were requested to give consideration to the amended Terms of Reference in respect of the Environment & Leisure Committee.

RESOLVED:

That the Terms of Reference be approved, as presented and submitted to the next meeting of the Environment & Leisure Committee for information and implementation, subject to the following additional amendments:

- 1. Under Delegated Powers - Points 1 & 3 be amended to include “amenities spaces”.**
- 2. Under Delegated Powers – new Point 8 – be added “To receive minutes and recommendations from the Events Working Party”.**

C191. INTERNAL/EXTERNAL AUDIT

There were no updates to be considered.

C192. UPDATE ON COMMITTEE STRUCTURE TASK & FINISH GROUP

Councillor McAll provided an update on the progress of the Committee Structure Task & Finish Group. He advised that the next stage was to input all the information into an excel spreadsheet for consideration at a further meeting of the Task & Finish Group.

RESOLVED:

That the information gathered to date be entered into an excel spreadsheet for consideration at a further meeting of the Task & Finish Group.

C193. NOTIFICATION OF PERMISSION TO PROCEED WITH CO-OPTION FOR CASUAL VACANCY

RESOLVED:

That the information within the report be received and noted.

C194. UPDATE ON CO-OPTION

RESOLVED:

That the information within the report be received and noted.

C195. OFFICER REPORTS

- i. Town Clerk
- ii. Deputy Clerk
- iii. Community Development Officer

Councillor Harvey asked that it be formally noted how busy the Council's Senior members of staff are, appreciating the reports which give a flavour of the things that they do outside of supporting Councillors and servicing committees, recognising that there is a lot of outward facing work that is carried out on behalf of the Council.

RESOLVED:

That the Officer reports be received and noted and that officers be thanked for the information provided within.

C196. OUTSIDE BODIES

RESOLVED:

1. That the information within the reports be received and noted.
2. That Councillor Morris represent Ledbury Town Council at future meetings of the Ledbury Community Centre Board of Trustees.

C197. STREET VOTE DEVELOPMENT

RESOLVED:

That the information provided in respect of the Street Vote Development be received and noted.

C198. DATE OF NEXT MEETING

RESOLVED:

That the next meeting of Full Council will take place on 28 March 2024 at 7.00pm in the Burgage Hall, Church Lane, Ledbury.

C199. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That in accordance with Section 1(2) of the Public Bodies Admission to Meetings) Act 1960, in view of the confidential nature of business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

C200. CITIZEN OF THE YEAR NOMINATIONS

Members were provided with the nominations for Citizen of the Year.

After considerable discussion it was agreed that the Paul Diggin be awarded Citizen of the Year 2023/24, but that as part of that award it recognises the hard work of all of the Ring and Ride drivers.

Concerns were expressed about where the awards had been advertised. It was agreed that the 2024 posters would be distributed to all Councillors in order that more nominations be received.

RESOLVED:

- 1. **That Paul Diggins be awarded the Citizen of the Year Award 2023/24 for his work with Ring and Ride over the past four years.**
- 2. **That as part of the award to Mr Diggins it recognises the hard work of all the Ring and Ride drivers and that additional drivers be asked to attend the award ceremony with Mr Diggins.**
- 3. **That in future years, the poster for the Citizen of the Year Awards and Youth Achievement Awards be sent to all Councillors to help with advertising and making the public aware of the process.**

C200. NOTIFICATION OF OUTCOME OF INSURANCE CLAIM AGAINST LEDBURY TOWN COUNCIL

Members were advised of the outcome of a recent insurance claim in respect of an incident that had occurred at the Market.

RESOLVED:

That the update in respect of a recent insurance claim be received and noted.

The meeting ended at 9.06pm.

SignedDated
(Town Mayor)

MONITORING OFFICER DECISION NOTICE

Complaint Number COC045
Councillor Ewen Sinclair of Ledbury Town Council

COMPLAINT

In August 2023, the Council received a complaint that included a number of allegations against Councillor Ewen Sinclair. These are listed below along with the outcome of the investigation into each one.

DECISION

That Councillor Sinclair **DID** breach Ledbury Town Council's Code of Conduct in relation to the following sections:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play (at (iii) below).

2.2 I do not harass any person.

4.1 I do not disclose information (a) given to me in confidence by anyone (b) acquired by me which I believe, or ought responsibly to be aware of is of a confidential nature.

5.1 I do not bring my role or local authority into disrepute.

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

The general principle 'I act with integrity and honesty' was also breached.

That Councillor Sinclair **DID NOT** breach Ledbury Town Council's Code of Conduct in relation to the following sections (at (ii) below) :

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

PROCEDURE

An Investigator was asked to carry out an investigation into the facts. The evidence collected and used to form the finding and conclusions was:-

- Chronology of events
- Interview with Complainant
- Interview with Councillor Sinclair
- Complaint dated 18.07.23 and supporting documents
- Response from Councillor Sinclair dated 05.10.23 and supporting documents
- Minutes of Finance and General Provision Committee 23.03.23
- Minutes of Council meeting 30.03.23

- Minutes of council meeting 25.05.23
- Comments received from the Complainant and Subject Member on the draft report

INVESTIGATOR'S REPORT & FINDINGS

The background to the complaints arose from the following events.

In 2020, Councillor Sinclair became concerned about the quality of workmanship undertaken on the Ledbury Town War Memorial, by a local contractor. Councillor Sinclair was at that time a resident and raised his concerns in a number of ways, including raising local awareness and approaching the Town Council and requesting information from the Council through a Freedom of Information request. In October 2021, Councillor Sinclair became an elected member of Ledbury Town Council, standing on a manifesto of uncovering the truth behind what had happened in relation to the repairs to the war memorial.

In May 2022, Councillor Sinclair approached West Mercia Police, asking them to investigate the issues he had raised. In July 2022 West Mercia Police informed Councillor Sinclair that the police had not identified any wrongdoing on the part of the contractor nor by Ledbury Town Council. The police considered the matter to be a civil one and informed Councillor Sinclair that they would not be taking the matter any further.

In September 2022, Ledbury Town Council entered a confidential agreement with the contractor for works on the Ledbury War Memorial, settling all claims in relation to the works undertaken.

At its meeting on 18.08.22 Ledbury Town Council resolved to commission a report seeking to understand what had gone wrong in relation to the commissioning of works on the war memorial so that lessons may be learned.

In March 2023 the internal auditor, responding to the request for a report commissioned, subsequent to Full Council's resolution on 18.08.22, expressed the view that such a report: 'could, perhaps, provide the wrong conclusion' and declined the request for a report to be commissioned, saying that, although a review of events exposed systematic failing on the part of Ledbury Town Council over a prolonged period, the structure of the requested report would not address the key issues. This response was considered by the Town Council 30 March 2023 (agenda item C717).

Also in March 2023, Councillor Sinclair raised an agenda item at the Finance and General Provision Committee of Ledbury Town Council, about the same contractor, believing that invoices to the contractor had been overpaid. Councillor Sinclair remained concerned about the events surrounding the commissioning of the works on the Ledbury War Memorial and he did not accept the conclusion reached by West Mercia Police.

Ledbury Town Council met on 30.03.23 and the issue was raised again (agenda item 721) with a resolution to pursue an overpayment. It was raised that the content of the agreement should be checked in relation to this.

Ledbury Town Council next met on 25.05.23 and by resolution, gave Councillor Sinclair authority to refer the matter to West Mercia Police (agenda item C16).

Councillor Sinclair duly referred the matter to West Mercia Police and shared with the Town Council the detail of this referral, which in turn made reference to his referral to the police in 2022.

Ledbury Town Council met on 29.06.23 and made resolutions rescinding the authority given to Councillor Sinclair on 25.05.23, and authorising the Clerk to contact West Mercia Police to withdraw

the request for a further investigation to take place (agenda item C33 minutes 29.06.23). West Mercia Police subsequently confirmed their view that this was a civil matter and not for the police to investigate.

On 18.08.23 complaint was made that Councillor Sinclair had breached Ledbury Town Council's Code of Conduct.

The complainant alleged that Councillor Sinclair had failed to observe the Code of Conduct for members, adopted by Ledbury Town Council, by the following alleged conduct:

- (i) **That Councillor Sinclair abused an authority given to him by full Council (Ledbury Town Council) on 25 May 2023 to act on behalf of Ledbury Town Council; and that he sought to further pursue his own campaign to uncover wrongdoing in connection with works carried out on the town's war memorial;**

Ledbury Town Council did give Councillor Sinclair authority to refer the matter to the police by resolution of full council on 25.05.23; the authority was given following debate and a vote that was unanimous, save for the Complainant's abstention.

The minutes of the meeting of Ledbury Town Council's Finance and General Purposes Committee meeting on 23.03.23 note that 'It was discussed that there should be a written request with what Ledbury Town Council would like the police to investigate, Councillor Sinclair agreed to work (sic) provide this.'

Recommendations were made as follows:

1. *That a recommendation be submitted to Full Council at its meeting on 30 March 2023, that Ledbury Town Council pursue the repayment of the overcharge from the Stone Workshop for the full amount as detailed in the report provided to Finance, Policy and General Purposes Committee.*
2. *The Councillor Sinclair provide a written request to full council at its meeting on 30th March 2023 detailing what Ledbury Town Council should request the Police to investigate in respect of the war memorial.*

Councillor Sinclair did not in the event provide a written statement to full council on 30.03.23 but read a statement that included the following (minutes at page 7):

'If the information from the two local contractors had been available, the Police may have looked at the case differently.'

Opportunity appears to have been missed, particularly at the full council meeting on 25.05.23, to define the manner and detail of the referral which the Town Council authorised Councillor Sinclair to make to West Mercia Police, and this resulted in a strongly worded resolution:

'That Councillor Sinclair be authorised to take evidence to West Mercia Police, on behalf of Ledbury Town Council, and ask them to open a fraud investigation with regards to the War Memorial.'

My view is that Councillor Sinclair considered himself to be acting within his authority when he referred the matter to the police in June 2023.

The minutes of Full Council meeting 29.06.23 include the following (pages 5-6):

'Councillor Harvey reminded Members that it is not appropriate for an individual Councillor to be given authority to undertake something that is within the remit of the Proper Officer, such as this, and pointed out that the Clerk should have been instructed to carry out this task on behalf of the Council. She advised that the action taken by those Members giving Councillor Sinclair the authority to do this, and the content of the information provided to the Police, could potentially put the Council in a position which could result in legal action being taken against the Council.'

Councillor Chowns expressed his regret for his part in granting the authority to Councillor Sinclair, outlining his reasons for having voted for it at the time, noting that it now emerges that not all information was made available to Members at that meeting of which Councillor Sinclair intended to forward to the Police. In light of this he proposed that the Council should step back from this as Councillor Harvey suggested in her email. Councillor Sinclair spoke on the matter further giving his reasons for pursuing the matter in the manner that he had. Further discussion took place whereby Councillor Howells also expressed his concerns over the issues raised by Councillor Harvey. During the debate Councillor Hughes advised that he wished to mirror some of Councillor Chowns' comments. He stated that had it been disclosed to him and other Members what was to be referred to the Police, he would not have proposed that authorisation be given to Councillor Sinclair to approach the Police on the Council's behalf. He advised that in hindsight he agrees that all approaches of this sort should be made by the Proper Officer and not a Councillor and apologised for his naivety in this matter.'

Notwithstanding the fact of the authority given by the Council, Councillor Sinclair did not disclose to members the full detail of the referral to the police in 2022, even though debate referenced the previous discussions with the police. He was aware that the Complainant knew about the referral but, equally, knew that she was not aware of the detail, nor the outcome. It is clear from the minutes of the full council meeting on 30.03.23 that members were aware, or ought to have been aware of the previous referral to the police (minutes 30.03.23 at page 7). Debate led to a resolution upon Agenda item C721 of the Full Council Meeting on 30.03.23 that:

'3. Councillor Sinclair provide an evidence pack to the next Finance, Policy and General Purposes Committee, which will be in the new Administration which will provide evidence for the Finance, Policy and General Purposes Committee to review prior to it being sent to the Police.'

However, the need to see an evidence pack, prior to a submission being made to the police, appears not to have been subsequently followed up. The Complainant said that, in May (2023), full council once again requested that a written report be provided for approval before any approach to the police was made but it was noted that the minutes of the Full Council meeting of 25.05.23 do not reflect a further request for a written report.

Councillor Sinclair engaged in debate upon the matter and in my view, relied on this cursory reference to the 2022 referral but omitted to provide the Council with the fullest possible information upon which to base the authority given by the resolution. In the subsequent meeting of Full Council on 25.05.23 where the resolution passed, there is no record of the previous police referral. The minutes reflect, at item C16 (ii), that:

'Councillor Hughes proposed that members authorise Councillor Sinclair to take evidence to West Mercia Police and ask them to open a fraud investigation with regards to the War Memorial. Councillor Bradford seconded the motion, a vote took place 4 members were in favour of this proposal with one absention.'

There followed the resolution:

'3 That Councillor Sinclair be authorised to take evidence to West Mercia Police, on behalf of Ledbury Town Council, and ask them to open a fraud investigation with regards to the War Memorial.'

Councillor Sinclair's response to this allegation focused on his strongly held belief about potential fraud and a belief in Ledbury Town Council's wrongdoing. However, in my view, in giving authority for the referral to the police in 2023, the Council should have been able to rely on a full and accurate context, ie. that a previous police referral, investigation and outcome had taken place in 2022, which Councillor Sinclair failed to provide.

My view, on the balance of probabilities, is that Councillor Sinclair omitted to detail what is clearly a material point and allowed scant understanding of the detail of the previous police referral by the Council, when seeking authority to refer the matter to the police again in 2023. I find that he did so in order to pursue his own concerns about the renovation works on the town's War Memorial.

However, I also found that Ledbury Town Council had at its disposal the fact of a police referral in 2022; it could, and should, have taken steps to fully understand the extent and outcome of that referral prior to its resolution to refer the matter to the police on 25.05.23. I consider this to mitigate the finding below.

The Complainant told me that she was aware that Councillor Sinclair had referred his concerns to the police in 2022 and she believed this was well known in the community. She said that although she knew of the police referral, she did not know the details around the date of the referral, the content of the letter to West Mercia Police in May 2022, nor the subsequent police consideration and assessment of the issue. At that time, she was not an elected member of Ledbury Town Council.

From the Subject member's perspective, I found that he was aware that the Complainant knew about the referral but, equally, knew that she was not aware of the detail, nor the outcome.

I DO find this to be a BREACH of paragraph 6.1 of the Code of Conduct: 'I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.'

- (ii) That, in seeking the Council's authority to act on its behalf and to approach the police Councillor Sinclair did not disclose the relevance of this authority in the context of his earlier complaint and sought to usurp the role of the Clerk as the Council's Proper Officer;**

The Clerk was present at Ledbury Town Council's Finance and General Purposes Committee meeting on 23.03.23; and at the full Council meetings on 30.03.23 and 25.05.23. Councillor Sinclair made the observation that:

'I fail to see how I am usurping the Clerk as the council's Proper Officer. She was present at all the meetings where events were discussed and could have pointed this out.'

I find that, both members of the Town Council and the Clerk as the Town Council's Proper Officer, knew, or ought to have known that the Clerk was the correct person to make the referral to the police in 2023. Having been present at the three relevant meetings, the Clerk and members did have the opportunity to raise this point had the error been realized. If they did not realise this, I find that it would be unfair to expect Councillor Sinclair to have realised it.

I found that there was ample opportunity for Ledbury Town Council to identify the proper route for a referral to the police by the authority it gave on 25.05.23. The issue had been discussed at the meetings mentioned in the above paragraph and opportunities to ensure the correct route would be used, were missed.

This allegation specifically included the point that the Complainant said that Councillor Sinclair sought to usurp the role of the Clerk as the Council's Proper Officer and, therefore, required specific focus on that issue.

No criticism at all is made of the Clerk but her role as Proper Officer is acknowledged. I considered the possibility that the Clerk felt unable to raise the point at the Full Council meeting on 25.05.23.

However, further reflection on the evidence suggested that concerns about the appropriateness of the action taken (at Full Council on 25.05.23) first arose as a result of an email from Councillor Harvey, to the Clerk and members, in June 2023, in which she posed a number of questions, that were discussed and referenced at Ledbury Town full Council meeting on 29.06.23.

My observation is that it appears to have been Councillor Harvey who first raised concerns about the authority given to Councillor Sinclair, and that the evidence does not support a suggestion that the Clerk was cognisant of an error in procedure but felt unable to iterate the correct approach in the face of the meeting on 25.05.23. In my view, it would not be unreasonable to think that, if the Clerk had been concerned, the point could have been raised with members after the meeting.

On a balance of probabilities I therefore find it more likely that the point about the role of the Proper Officer was, presumably in error, simply missed at the meeting of 25.05.23.

I therefore confirm my finding that, if the Clerk and other members did not realise the error, it would be unfair to expect Councillor Sinclair to have realised it.

I DO NOT find this to be a breach of 1.2: 'I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.'

(iii) That the submission Councillor Sinclair made to the police harassed the Clerk;

Councillor Sinclair refuted these allegations. He said in his response to this allegation that he had not made repeated allegations against the Town Clerk personally and he expressed the view that:

'In none of this correspondence do I accuse the Town Clerk of anything'

Councillor Sinclair also described the Complainant's description of accusations and harassment of the Clerk as *'unfounded'*.

However, Councillor Sinclair's own evidence contradicted this view and my finding here is that Councillor Sinclair considered there had been wrongdoing on the part of the Clerk. This view runs counter to the view of the police, who have twice concluded this is a civil matter; and the view of the internal auditor, who expressed the view:

'I am concerned that preparing the report in the structure provided could, perhaps, provide the wrong conclusion, that it was individual failings, or failure by specific individuals that caused this problem, rather than it being a systematic failure by the entire Council over a number of years.'

In reaching my findings on this allegation, I gave particular regard to the relevant case law (Heesom).

I considered that criticism of the Clerk went beyond what a non-elected public servant should reasonably be expected to experience. I found that Councillor Sinclair's criticism of the Clerk fell outside the protection afforded to him by Article 10; it was not, in my view, protected by the mantle of political debate.

Therefore, on a balance of probabilities, I found that Councillor Sinclair's expressed views about the Clerk amounted to a breach of the Code of Conduct.

I DO find this to be a BREACH of paragraph 2.2 of the Code of Conduct: 'I do not harass any person'; and I Do find this to be a BREACH of paragraph 1.2: 'I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.'

- (iv) **That Councillor Sinclair did not disclose to councillors the extent of his previous allegations, nor the outcome reached by the police in 2022 (that they considered the matter to be a civil one), when he has sought authority to report fraud to the police on behalf of the council in 2023. In doing so, it was alleged that Councillor Sinclair sought to gain advantage for his personal campaign in relation to the works on Ledbury's War Memorial;**

I considered this to be substantially the same as allegation (i) above and adopted the reasoning applied in relation to that allegation.

Accordingly, I found, on the balance of probabilities, that Councillor Sinclair omitted to detail the material point of his previous referral to the police, allowing a scant understanding of the detail of that previous police referral by the Council, when seeking authority to refer the matter again in 2023; and that he did so in order to gain advantage for his personal campaign in relation to the renovation works on the War Memorial.

I DO find this to be a BREACH of paragraph 6.1 of the Code of Conduct: 'I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.'

- (v) **That Councillor Sinclair tried to hide the extent of his previous referral to the police in 2022, by altering the text of his original letter and that he attempted to pass off the altered document as the original;**

The Complainant provided documentary evidence of this allegation, which, juxtaposed with investigation of the evidence, caused me to find that the text had been altered as alleged.

Councillor Sinclair conceded that the versions differed in the way described. His explanation for this difference was that he knew councillors would accuse him of removing these words and therefore he deliberately removed them, expecting and anticipating their response, which he says was exactly what happened. Councillor Sinclair's explanation, that the editing was a deliberate, anticipatory

ploy, aimed at exposing the Complainant's prejudgment of his position was detailed, and he referred to his thought process, borne of his own experience as an investigator in the armed forces.

Having considered the evidence in relation to this allegation, on the balance of probabilities, I found Councillor Sinclair's explanation lacked coherence and credibility. I found that this is likely to have been done in anticipation that editing the version supplied to Ledbury Council would avoid causing him difficulties in explaining his original words.

I DO find this to be a BREACH of one of the general principles of the Code of Conduct: 'I act with integrity and honesty.'

- (vi) That Councillor Sinclair involved a third party in sensitive correspondence with the police, when acting on behalf of the council;**

This allegation was not disputed by Councillor Sinclair. In his initial response to the complaint, he was of the view that disclosure was justified. However, in commenting on the draft report, Councillor Sinclair acknowledged an error of judgement in having involved a third party.

I DO find this to be a BREACH of 4.1: 'I do not disclose information (a) given to me in confidence by anyone (b) acquired by me which I believe, or ought responsibly to be aware of is of a confidential nature.'

- (vii) That Councillor Sinclair acted in a manner which placed the Council at risk of legal action so far as the Clerk is concerned;**

In my view, this aspect of the complaint was not within the Monitoring Officer's remit under the Code of Conduct process.

I therefore DO NOT make any finding in respect of this allegation.

- (viii) That Councillor Sinclair's conduct in approaching the police in May 2022 put the council at risk of legal action as a consequence of potentially breaching the terms of a binding legal agreement entered into confidentially with an independent contractor, regarding works carried out on the town's war memorial;**

The dispute with the independent contractor culminated in a legal agreement, in September 2022 in settlement of all potential claims. Thus, when Councillor Sinclair referred the matter to the police, in May 2022, no agreement was in effect. The police reached an outcome to that referral which also pre-dated the agreement.

A further issue was raised about an overpayment to the same contractor, in relation to the works on the war memorial at Ledbury Town Council's Finance and General Purposes Committee meeting on 23.03.23 (agenda item F579).

In my view, the minutes demonstrate a clear note of caution from members and the Clerk when the issues came under scrutiny in 2023, which did not appear to result in the same attention to the potential risk, when full council gave Councillor Sinclair authority to refer the matter to the police on 25.05.23.

It appeared to me, from the evidence, that Councillor Sinclair was cognisant of the agreement to no greater or lesser extent than other members of Ledbury Town Council. He viewed the attempt

to blame him for this, 'after the horse had bolted', as 'grossly unfair'. When I interviewed Councillor Sinclair, he re-iterated this point without prompt, saying that he 'absolutely' would not have made the referral, had he understood the risk in relation to the agreement.

My finding is that, when the issue of reclaiming an overpayment from the contractor was raised in March 2023, all members of Ledbury Town Council were aware, or ought to have been aware, of the potential risk of raising the issue in light of the agreement.

I noted, in the minutes of Full Council on 30.03.23 (page 9) that:

'Councillor Hughes advised that the wording of the agreement should be checked, however he did not believe that this would prevent the Council from writing to TSW making them aware that there had been an overpayment and requesting that this money be paid back to the Council. He pointed out that it is the moral duty of the Council to seek repayment of those monies.'

Councillor Hughes proposed that members authorise Councillor Sinclair to take evidence to West Mercia Police and ask them to open a fraud investigation with regards to the War Memorial. Councillor Bradford seconded the motion, a vote took place 4 members were in favour of this proposal with one abstention.'

I find that, having sounded a note of caution about the risk to the Council in light of the settlement agreement, the opportunity to understand the extent of that risk, prior to pursuing the overpayment, or referring the matter to the police, was missed by Ledbury Town Council as a whole. Accordingly, I find that Councillor Sinclair's awareness of the potential risk here could not be expected to be any more heightened than that of the other members of Ledbury Town Council.

I DO NOT find this to be a BREACH of 5.1: 'I do not bring my role or local authority into disrepute.'

- (ix) That Councillor Sinclair made repeated and unsubstantiated allegations against members and former members of the Town Council, regarding the handling of the restoration and repair work on the town's war memorial;**

On a balance of probabilities, I found that Councillor Sinclair had made repeated allegations about Councillor Howells and Bannister. I found no evidence of repeated allegations against Councillors Morris and Manns.

Councillor Sinclair's justification for his conduct was that he strongly believed that some members of Ledbury Town Council were guilty of wrongdoing, so far as the management of the works on the War Memorial are concerned.

In reaching my findings on this allegation, I had particular regard to the case law so far as it relates to Councillor Sinclair's Article 10 right to freedom of expression.

I did not find that Councillor Sinclair's publicly expressed concerns, at Ledbury Town Council meetings were in breach of the Code of Conduct; I considered the minutes of the relevant meetings and, whilst Councillor Sinclair's views were strongly expressed, I considered that he could expect the enhanced protection afforded to the expression of political opinions on matters of public interest.

However, by including elected members of Ledbury Town Council in his referrals to the police in the manner that he did in 2023, when acting upon the Council's authority, it is my finding that Councillor Sinclair's Article 10 rights may justifiably be interfered with, where those referrals to the

police include the possibility of criminal activity. In my view these fell outside the sphere of 'political' debate.

I DO find this to be a BREACH of paragraph 1.1: I treat other councillors and members of the public with respect; and paragraph 5.1: I do not bring my role or local authority into disrepute.

(x) That Cllr Sinclair referred to the Complainant as 'stupid' in an email exchange in August 2023.

Councillor Sinclair was honest about his meaning in the email in question. He readily admitted that he was referring to the Complainant and he expressed his frustration, at what he perceived to be poor treatment by Ledbury Town Council, and by the Complainant in particular, as his reason for saying this, and as a measure of justification for his choice of words. Upon reflection, Councillor Sinclair said that he probably would have ideally used different language.

I do not condone, nor consider that Councillor Sinclair's use of the word 'stupid' in reference to the Complainant can be justified; in my view it is disrespectful and has no place in communications in professional or public life.

Nevertheless, applying the case law in relation to Councillor Sinclair's right to freedom of expression, particularly the enhanced protection accorded to freedom of expression in the political sphere, I do not find that the language used is such that his Article 10 rights in this instance should be interfered with.

I DO NOT find this to be a BREACH of paragraph 1.1 of the Code of Conduct: 'I treat other councillors and members of the public with respect.'

MONITORING OFFICER'S DECISION

In accordance with S28(7) Localism Act 2011 I have sought and taken into account the views of two Independent Persons appointed by Herefordshire Council for the purposes of the Act. The Independent Persons agree that Cllr. Sinclair has breached parts 1.1, 2.2, 4.1, 5.1 and 6.1 of the Ledbury Town Council Code of Conduct.

In accordance with the procedure for dealing with Code of Conduct complaints, the Monitoring Officer has the following options upon completion of a formal investigation:

1. There has been no breach and therefore no further action will be taken;
2. There have been one or more breaches, but no further action is needed;
3. There have been one or more breaches, but the matters should be resolved in a way other than by a hearing; or
4. That the matters be referred to a hearing.

In light of the specific recommendations for resolution in the final report, I proposed resolution, in accordance with point 3, that there have been one or more breaches, but that matters should be resolved in a way other than by a hearing, by way of Councillor Sinclair accepting and acting upon the recommendations.

Albeit reluctantly, Councillor Sinclair did accept the recommendations made in the investigator's final report, as follows:

- (i) Councillor Sinclair should make a private, written apology to the Town Clerk for his conduct towards her in relation to the renovation of the War Memorial.
- (ii) Councillor Sinclair should apologise to Ledbury Town Council for his conduct, in particular in not taking steps to ensure members understood the full context of his seeking authority to refer the matter to the police from March to June 2023, and such apology should be minuted at the next Full Council meeting, drawing a line under the issues for the benefit of residents.
- (iii) The Complainant should, following the above actions, if accepted and completed, provide an update to the Town Council confirming the final position in relation to the War Memorial renovations, such that the Town Council can make resolutions to reassure residents that the Town Council has dealt with all outstanding issues and can move on, this being in the public interest.

Councillor Sinclair subsequently made apologies under paragraphs (i) and (ii) above. The detail of the apologies was not considered by the Clerk and the Complainants to adequately address the above breaches and I considered their representations. However, my decision is that no further public interest would be served by referring the matter to Standards Panel. Accordingly, this decision notice will be published.

There is no right of appeal against this decision notice.



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Monitoring Officer

Dated: 14th February 2024