



LEDBURY TOWN COUNCIL

TOWN COUNCIL OFFICES, CHURCH STREET, LEDBURY

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25 March 2022

Dear Councillor

You are summoned to attend meeting of **LEDBURY TOWN COUNCIL** to be held on **Thursday, 31 March 2022 at 7.00 pm in the Burgage Hall, Ledbury**, for the purpose of transacting the business shown in the agenda below.

Please note there will be a presentation from the Street Ambassadors at 6.30 pm, which does not form part of the agenda.

Yours faithfully

Angela Price *SLCC, AICCM*
Town Clerk

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 on 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. **To receive and note the Nolan Principles (Standing Item)**
(Page 2357)

4. **To approve and sign the minutes a meeting of a meeting of Council held on 3 February 2022 and extraordinary meetings of Council held on 9 February and 14 March 2022**
(Pages 2358 - 2385)

5. Herefordshire Councillors' Reports (To Follow)

To receive reports from Ledbury Ward Members:

- i. Councillor Howells
- ii. Councillor Harvey
- iii. Councillor l'Anson

6. Mayors Communications (To Follow)

7. 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"

8. To Receive motions presented by Councillors in accordance with Standing Order 9 (Standing Item)

MINUTES

- 9. To receive and note the minutes of a meeting of the Economy & Tourism Committee held on 3 March 2022 and to give consideration to any recommendations therein (Pages 2386 - 2394)
- 10. To receive and note the minutes of meetings of the Planning Committee held on 10 February and 10 March 2022 and to give consideration to any recommendations therein (Pages 2395 - 2408)
- 11. To receive and note the minutes of a meeting of the Environment & Leisure Committee held on 17 March 2022 and to give consideration to any recommendations therein (Pages 2409 - 2419)
- 12. To receive and note the minutes of a meeting of the Finance, Policy & General Purposes Committee held on 24 March 2022 and to give consideration to any recommendations therein (To follow)
- 13. To receive and note the minutes of an extraordinary Resources Committee held on 21 March 2022 and to give consideration to any recommendations therein (Pages 2420 - 2423)
- 14. To receive and notes the minutes of a meeting of the Events Working Party held on 24 March 2022 (To follow)

15. **Notes of Ledbury Town Council Parish Zoom meeting held on 9 March 2022** (Pages 2424)

GOVERNANCE

16. **To Nominate two Councillor representatives to attend Parish Summit meetings hosted by Herefordshire Council** (Page 2425)
17. **New Model Code of Conduct and arrangements for dealing with Code of Conduct Complaints Against Councillors** (Pages 2426 - 2503)
18. **Local Authority Remote/Hybrid Meetings** (Pages 2504 - 2508)

GENERAL

19. **Outside Bodies Reports (If any)** (Pages 2509 - 2520)
- a. Minutes of a meeting of the Ledbury Carnival Association held on 9 February 2022
 - b. Rural Market Town Group – Local Councils – Rural Vulnerable Young and Older People
 - c. Minutes of a meeting of the Ledbury Strömstad twinning Association held on 1 February 2022
20. **Herefordshire County Destination Bid – Council Representation** (Page 2521)
21. **Ledbury Youth Drop-in** (Page 2522)
22. **Dog Hill Woods** (Pages 2523 - 2527)
23. **Market Town's Maintenance Fund** (Pages 2528 - 2531)
24. **Update on progress on War Memorial Repairs** (Pages 2532 - 2533)
25. **Tourist Information Centre update** (To Follow)
26. **Welcome Back Fund Update** (To Follow)
27. **Great Places to Visit Funding update** (To Follow)
28. **Date of next meeting**

To note that the next meeting of Full Council will be the Annual Meeting scheduled for 12 May 2022

29. Exclusion of Press and Public

In accordance with Section 1(2) of the Public Bodies Admission to Meetings) Act 1960, in view of the confidential nature of the 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

30. Citizen of the Year Award

(Pages 2534 - 2547)

Distribution: - Full agenda reports to all Councillors (13)
Plus file copy

Agenda reports excluding Confidential items to:
Local Press (2)
Library (1)
Police (1)
Councillor l'Anson (1)

POSTPONED

LEDBURY TOWN COUNCIL

The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

POSTPONED

LEDBURY TOWN COUNCIL

**MINUTES OF A FULL COUNCIL COMMITTEE HELD ON
3 FEBRUARY 2022**

PRESENT: Councillors Bannister, Bradford, Chowns, Eakin, Harvey, Howells, Hughes, Knight, Sinclair, Troy, and Whattler.

ALSO PRESENT: Angela Price – Town Clerk
Julia Lawrence – Deputy Town Clerk
Amy Howells – Minute Taker

C494 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Manns.

C495 DECLARATIONS OF INTEREST

Councillor Sinclair declared a personal interest in Agenda Item 27 – War Memorial due to having attended the recent protest at the premises of The Stone Workshop.

C496 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES

Councillor Sinclair raised concerns in relation to comments made by Councillor Harvey via email. Councillor Howells advised that Councillor Sinclair's concerns were noted.

RESOLVED:

That the Nolan Principles be received and noted.

**C497 TO APPROVE AND SIGN THE MINUTES OF A MEETING OF AN
EXTRAORDINARY MEETING OF COUNCIL HELD ON 6 JANUARY 2022**

RESOLVED:

That the minutes of a meeting of the Extraordinary meeting of Council be approved and signed as a correct record subject to the following amendment:

- C492 be amended to read as follows:

“Councillor Bradford asked why Red Kite Solicitors had been chosen to represent the council and asked whether they had the relevant expertise.

C498 HEREFORDSHIRE COUNCILLOR WARD REPORTS

All three Ward Members reports had been circulated prior to the meeting and it was agreed that it was not necessary to read the reports out.

RESOLVED:

That the Herefordshire Councillors Ward reports be received and noted.

C499 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3 (F)

The chair reminded the public that the time permitted for public participation was 15 minutes as per the Council's Standing Orders. He briefed the public on how the Council had been instructed by their solicitors to not comment publicly on the matter of the War Memorial due to the ongoing legal case.

Mrs Crowe noted the item on the agenda of Exclusion of Press and Public and asked if the Council could vote against excluding the members of public from items 24 & 25 and to bring them forward in the meeting.

The Chair said that legal advice being given by the Council's Solicitors should not discuss certain matters in relation to the War Memorial in open session due to the confidential nature of the business to be discussed. Councillor Sinclair disagreed and said he did not believe there was any information that could not be shared. He proposed that the council include the members of the public in the discussions for transparency, Councillor Knight seconded this. Councillor Knight stated she agreed with Councillor Sinclair and said she believes that there should be honesty and transparency with the public.

Councillor Howells advised that the Council would be compromising their position if they discussed this matter in open session.

Councillor Howells asked Councillors to vote on whether to bring agenda item 26 forward for discussion in open session.

FOR: (3)

Councillors Hughes, Knight and Sinclair

AGAINST: (4)

Councillors Eakin, Harvey, Howells and Whattler

ABSTENSIONS: (1)

Councillor Bradford

Councillor Harvey noted that there were items on the agenda that had not been considered at the Council meeting in December and believed these should be considered prior to any other business being considered. She also reminded

Members that the last time council failed to follow legal advice it cost the Council £250,000 of public money.

Mr Ellis had stated that he did not feel the reply he had received earlier in the day answered all his questions and asked why the Caroe report had not yet been placed in the public domain. Councillor Howells advised that the Caroe report had stated "not for wider circulation" at the time of its preparation and that the Clerk had contacted them to ask whether it would be possible to release the report. Caroe had advised that they did not object to their report being released, however the Council should seek advice from their solicitors in case it was felt that the release of the report may have an effect on the current legal case. The advice received from the Council's Solicitors was that the Council should not release the report to the public at this stage due to the ongoing legal case. Steve Ellis asked if he could be sent a copy of the email from the solicitors giving this advice.

Steve Ellis asked the Council the following questions, which were in response to the email he had received earlier that day:

1. Why were no checks made by Ledbury Town Council on whether the contractor applied for a footpath closure or applied for a Severn Trent Water?
2. Why did Ledbury Town Council allow the project to start, continue or finish without a single statement or risk assessment from the Stone Workshop in place before work commenced and approved by a competent person?
3. It is quite obvious that the Stone Workshop do not have the financial ability to pay for any future works on the war memorial or have any assets that can be taken and used to cover any of Mr Heaton's donation or money that has been paid to solicitors or consultants, this money will have to be found by our Town Council using public money. So, isn't it time to let the public know the absolute truth about what has happened?
4. Do you know under Section 50 of the street works act that a contractor has to have at least £5 million public liability insurance in place? Should the Stone Workshop have that? Do the Council have proof from them that they have this in place? And can this be emailed to Mr Ellis.

Councillor Howells responded that all questions had been noted.

Mr Warmington stated that it had cost Ledbury Town Council big when they had not listened to legal advice in the past, Pointing out that Item 9 of the agenda was the final report on a legal case involving Councillor Harvey and others former Councillors and he requested respect be paid to Councillor Harvey on what she had gone through at that time.

Nick Bryant stated that he takes exception to the Council saying they have not made mistakes and stated that it is his belief that the Council did not follow CDM regulations, which was, in his opinion, required by law. He also added that he did not believe that Health and safety at work had been followed.

Councillor Howells thanked the public for their questions reminding Members of the public that the Council were not able to discuss this matter in the public domain at this time.

Councillor Knight proposed to move item 18 forward Councillor Chowns seconded this.

RESOLVED:

1. That the vote to bring Agenda Item 27 forward to be discussed in open session be LOST.
2. That the Clerk email Mr Ellis correspondence between the Council and Solicitor regarding if the Caroe report should be shared subject to permission be given by the solicitor.

Councillor Sinclair advised that he did not feel able to remain in the meeting due to the decision not to allow the War Memorial to be discussed in open session and left the meeting at 7:35pm.

Councillor Harvey noted from her previous comment that the Council should continue to item 7, Councillor Howells agreed and brought the item back.

C500 TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9

RESOLVED:

None received.

C501 ELECTRIC BUSES – POTENTIAL FOR LEDBURY TO BE CONSIDERED AS A PILOT SCHEME

Councillor Hughes noted that there did not appear to be anything in the report relating to a Pilot scheme. The Clerk advised that she had contacted Herefordshire Transport Officers about Ledbury Town Council being considered for a Pilot Scheme and this was the information she had been provided with. Councillor Harvey believed it would be worthwhile watching what Herefordshire Council do in respect of electric buses and to see what the commitment and cost is associated with doing this. She also suggested that the council could look at park and ride options for Ledbury

Councillor Eakin proposed that the Council refer the report to the Traffic Management Working Party for consideration.

RESOLVED:

That the Herefordshire Bus Service Improvement Plan be referred to the Traffic Management Working Party for further consideration.

C502 SPECIAL AUDIT REPORT

Councillor Harvey advised that she was pleased to see the report being brought to Full Council, and read out a prepared statement

Councillor Harvey was granted the opportunity to speak on agenda item C502 - Special Audit

"I'd like to start off by saying how pleased I am that this special audit report has come to full council.

It was originally committed to in the summer of 2018 to provide assurance to the council's external auditors that lessons would be captured and learned from the disastrous mishandling of council business and complaints against councillors that led to my Judicial Review and The Ledbury judgement making case law which protects all councillors from the mistreatment I experienced at the hands of councillor colleagues and staff.

Those councillors and members of staff didn't stick around to clear up the mess they created. Instead, they burned the evidence and walked off into the sunset leaving their wreckage to be dealt with by others.

The purpose of this report was always to address the governance failures and flouting of process between December 2015 and May 2018 which contributed to enabling over £130,000 of public money to be spent by a handful of people, outside of the proper decision-making structures of this council and hidden from the sight of the majority of elected members of this council.

The level of duplicity exhibited by a few people throughout this unfortunate episode is quite staggering. I shall not go into great detail on the matter tonight, but now that this report is published, I shall be putting papers into the public domain that evidence the wrongdoing.

Tonight, it is sufficient to say that in October 2016 legal advice was placed into the hands of the then Mayor, Deputy Mayor and Chairs of the council's 3 committees which told them clearly, they had acted beyond their powers in banning me and (the then Cllr) Andrew Harrison. Despite this, six months later in April 2017 these Councillors, with others in tow, banned Andrew and I both all over again – and it was that second banning which resulted in the JR and the eventual cost to the people of Ledbury of over £250,000 – the council's own legal costs plus the award of mine as part of the High Court judgement.

As can be seen from the conclusions listed by the auditors following their detailed investigations – the failures of governance during that period are significant – and for the benefit of the members of the public present who are without copies of tonight's papers, I shall read them out in full:

1. *During the period under review that Council failed to ensure a robust system of corporate governance was in place.*

2. The Council repeatedly failed to comply, over a period of years, with most aspects of governance as set out in the Annual Governance Statement
3. The Terms of Reference of sub-committees were inadequate, being poorly defined and not reflective of the actual practices of the Council
4. The Council failed to comply with its Standing Orders in respect of its handling of complaints against Councillors
5. The Council failed to properly identify and manage the risks associated with the legal cases in which it was engaged
6. The Council repeatedly failed to adequately address issues raised by External Auditors
7. The terms of appointment of legal advisors were not properly reported to Council
8. Councillors were not properly provided with the legal advice upon which they based key decisions
9. Councillors were not provided the opportunity to discuss matters directly with the Council's solicitor and, instead, had to rely on information passed to them in confidential session – excess reliance was placed on verbal communication to Councillors, related in confidential meetings of Council

I am disappointed that during the investigation Cllr Manns and Eakin each refused to assist the auditor by providing detailed accounts of what they knew and were party to at the time. I did however receive a fulsome personal apology from Cllr Eakin in 2018 for his part in what happened. No such apology has ever been forthcoming from Cllr Manns – but he is not here tonight to account for himself so I shall not take the matter further here tonight.

It would be irresponsible and unfair to comment only upon the auditor's report tonight, because much has happened to improve the management and operation of this council since 2018. Specifically, much has improved since Mrs Price was appointed to be our Town Clerk in the spring of 2019.

I am glad to say that since receiving this audit report last autumn, this council has taken the time to consider its conclusions in detail and our clerk has provided a detailed accompanying report which sets out all the many ways in which she has helped us as councillors to strengthen our governance framework and to improve our decision-making processes to significantly reduce the likelihood that such serious abuses of power and process could happen again.

Indeed, one such example of that progress is that we are able to talk about the report at all tonight. While the audit report was in draft and while work was being undertaken to consider and address its conclusions, the documentation was kept confidential and was discussed in closed sessions of council and committee meetings.

This gave councillors and staff the time and space to understand and work through the issues raised, to embed the learning and to agree on steps to improve how we do things. Now that a clear picture is reached it is right to share what happened publicly and provide the very necessary public assurance that these mistakes will not be repeated.

Learning those lessons is one of the reasons that discussion now of the legal exchanges between the council, its consultants and its contractor for repairs to the war memorial is being undertaken confidentially. NOT however in a way which keeps that advice and correspondence hidden from the majority of your elected representatives – as was the case previously – but this time by sharing that information with all those holding the trusted position of representing the interests of the residents of Ledbury, and only for as long as it is necessary for the information to remain confidential.

It is for another part of this agenda to consider whether such discussions will continue to be held in closed session tonight. But it would be disappointing indeed if the very meeting which takes note of the learning from the last time this council allowed a few misguided councillors to pressure colleagues into acting against sound advice, is the same meeting which decides to repeat that mistake.

I welcome this report. I hope all councillors learn from the mistakes it highlights – especially those councillors present here today who were party to making those mistakes. I support the clerk's recommendations for next steps.

Finally I would like to take a moment to thank the people who helped and supported me throughout this ordeal and the many members of the public who attended meetings to bear witness as the ghastly process unwound. They know who they are, and I see some of them here tonight. Thank you for sticking with it and for sticking with me. The ordeal was unnecessary. The people responsible should be shamed. But the case law created means that others will be protected from such abuses in future, which is something at least to be thankful for."

RESOLVED:

1. That members received and noted Councillor Harvey's speech regarding the report.
2. That members receive and note the special audit report.
3. That the conclusions in the Special Audit report were accepted by members
4. That the Special Audit report be made public.
5. That the Clerk be instructed to draft an action plan based on the outcome of the special audit report.

MINUTES

**C503 TO RECEIVE AND NOTE MINUTES OF A RESOURCES COMMITTEE MEETING HELD ON 6 JANUARY 2022 AND A RECONVENED MEETING HELD ON 19 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.
RESOLVED**

1. That the minutes of the Resources Committee meeting held on 6 January 2022 be received and noted.
2. That the minutes of a Resources Committee meeting held on 19 January 2022 be received and noted, with the exception of minute no. 148(1) being moved to closed session for further discussion

C504 TO RECEIVE AND NOTE MINUTES OF A PLANNING COMMITTEE MEETING HELD ON 9 DECEMBER 2021 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of a Planning Committee meeting held on 9 December 2021 be received and noted.

C505 TO RECEIVE AND NOTE MINUTES OF AN ENVIRONMENT AND LEISURE COMMITTEE HELD ON 20 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of an Environment and Leisure Committee meeting held on 20 January 2022 be received and noted, subject to the following amendment:

Minute No E224 – be amended to read as follows:

"Councillor Whattler considered it was not appropriate as the trees, if planted in the ground, could cause root damage to properties, restrict daylight and could become untidy if leaves were not cleared, however he was happy to consider the trees being in planters. Councillor Bradford was of the same opinion whereas Councillor Morris agreed that we should proceed"

C506 TO RECEIVE AND NOTE MINUTES OF THE FINANCE, POLICY AND GENERAL PURPOSE COMMITTEE MEETING HELD ON 27 JANUARY 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN.

RESOLVED:

That the minutes of a Finance, Policy and General Purpose Committee meeting held on 27 January 2022 be received and noted.

WORKING PARTIES

C507 NEIGHBOURHOOD DEVELOPMENT PLAN UPDATE

Councillor Howells confirmed that Council would be entering the Reg 14 Consultation period on Saturday, 6 February, for a period of 6-weeks. This will be advertised on social media along with a response form for the public and businesses to complete. Councillor Bannister congratulated the members of the working party on behalf of the Town Council.

Councillor Howells thanked the administrator for all her work over recent weeks in helping to make sure all the necessary documents were available on the Council's website.

RESOLVED:

That members receive and note the update on the Neighbourhood Development Plan.

C508 EVENTS WP

The Clerk advised that the Community Development Officer had contacted Ben Davis, author of a number of children's books, who had agreed to be involved in World Book Day, at a cost of £250 for the day. It was proposed by Councillor Hughes that Council accept all recommendations put forward by the Events Working party and seconded by Councillor Bradford. Councillor Morris suggested the Library be used for the signing.

RECOMMENDATION:

- 1. That Council approve the author Ben Davis attending the World Book Day event at a cost of £250, which would be funded via the welcome back fund.**
- 2. That the Community Development Officer contact traders to see if they would like to be involved in the World Book Day and create a window display.**
- 3. That the Community Development Officer liaise with the schools in Ledbury to create a poster for world book day noting that submissions must be returned by Friday, 18 February 2022 to allow sufficient advertising.**
- 4. That the Community Development Officer, in partnership with the Poetry Festival, apply for £10,000 from the 'Lets create Jubilee Fund'.**
- 5. That the Events Working Party employ an events planner with experience in holding cultural festivals, to assist with the organisation of Reggae on the Rec.**

6. That Council agreed to expenditure for a company to design and print a programme of events for the jubilee weekend, to be funded via the Welcome Back Fund

C509 2022/23 DRAFT BUDGET

Councillor Eakin presented the 2022/23 draft budget, advising that the Budget Monitoring Working Party had met, attended by the Clerk, Councillors Bradford, Eakin, Harvey, Howells and Sinclair at which had resulted in a 1.49% increase on the Council's precept.

Councillor Eakin proposed that Council accept the 2022/23 draft budget, Councillor Bradford seconded this. The anticipated precept figure for the 2022/23 financial year is £605,091 which is an increase from £171.75 to £174.18. The increase equates to an annual increase of £2.42, which is an increase of 1.41% (£0.20 per month increase) per Band D equivalent properties.

RESOLVED:

That the 2022/23 draft budget be accepted by council on the basis of The anticipated precept figure for the 2022/23 financial year is £605,091 which is an increase from £171.75 to £174.18. The increase equates to an annual increase of £2.42, which is an increase of 1.41% (£0.20 per month increase) per Band D equivalent properties.

C510 WELCOME BACK FUND GREAT PLACES TO VISIT UPDATE

The Clerk advised that the £90,000 for the Great Places to Visit funding was expected to be in the Town Council's bank account on 4 February 2022.

Councillor Morris asked if Members could have sight of the quotes in respect of the works to the Bye Street toilets; the Clerk advised that all quotes were available for councillors to view at any time.

The Clerk asked Members to give consideration to setting up a Working Party for the purpose of considering the expenditure of the Welcome Back Fund and the Great Places to Visit fund.

RESOLVED:

1. That a Working Party to consider grant funding be set up with the following members:

Councillors Hughes, Knight and Morris.

2. That the report in respect of the Great Places to Visit and Welcome Back funds be received and noted.

C511 TO CONSIDER THE APPOINTMENT OF AN EXTERNAL INVESTIGATOR TO REVIEW THE WAR MEMORIAL PROCESSES AND RELATED ISSUES

The Clerk suggested that Council may wish to consider appointing an external investigator to review the processes undertaken throughout the War Memorial refurbishment, advising that it would need to be somebody who understands local council governance.

Councillor Harvey suggested they consider the new Internal Auditor for this role.

RESOLVED:

That the clerk contacts the internal auditor to ask whether he would be able to undertake a review of processes and procedures used with regard to the War Memorial refurbishment.

Councillor Harvey left the meeting at 8:07PM

C512 OUTSIDE BODIES REPORT

RESOLVED:

That the minutes of a meeting of the Ledbury Carnival Association Annual General Meeting held on 10 November 2022 be received and noted.

C513 COUNCIL NEWSLETTER

Councillor Howells noted that the Council Newsletter deadline for submissions for Chairs of Committees was Monday, 14 February 2022 advising that any submissions should be sent to the Clerk and Admin Officer.

RESOLVED:

That the date of submission noted as Thursday, 14 February 2022 for Chairs of Committees to send to Admin Officer.

C514 JOB FAIR

Councillor Bradford provided Members with an update he had had with the Community Development Officer and Councillor Sinclair.,

The Clerk advised that the Community Officer had received positive responses from job centre, Peter McAnn local career consultant, Herefordshire council. She also advised that the Community Development Officer suggested that the Council may wish to have a stand to promote the Council vacancies.

RESOLVED:

1. That the council facilitate a Careers and Advice Fair in Ledbury at the end of March, subject to there being enough demand and interest from businesses and other related organisations.
2. That the Council hire the Community Hall at a cost of £25 per hour to facilitate the Careers and Advice Fair.
3. That the Community Groups be invited to attend the Careers and Advice Fair, subject to there being enough room for a stand.

C515 3 SHIRES STAGES CLOSED ROAD RALLY

Members were provided with a very comprehensive report on the proposed 3 Shires Stages Close Road Rally to be held in 2022.

Councillor Hughes proposed West Midlands Air Ambulance to be the Council's charity of choice for the 3 Shires Stages Closed Road Rally, Councillor Knight seconded this. It was suggested that the Clerk to meet with the Community Development Officer to consider how the Council can help promote the event and charity.

RESOLVED:

1. That the information provided in respect of the 3 Shires Stages Closed Rally be received and noted.
2. That the CDO advise the Cheltenham Motor Club that the Council's chosen charity is West Midlands Air Ambulance.

C516 REC GROUND

The Deputy Clerk advised that three companies had provided quotes in respect of the play equipment at the recreation ground. She pointed out that any of the three companies would be able to provide an equivalent to the Environment & Leisure Committee's preferred choice.

Members asked the Deputy Clerk if she had any information that she could provide to help them when choosing which company to agree. She advised that all companies were professional but advised that company 3 had been the most efficient to work with in respect of obtaining quotes.

Councillor Hughes proposed that Council accept the Deputy Clerk's endorsement of Company C but with clarity of an independent assessor to perform the overseeing of the work for the selected company, Councillor Knight seconded this.

Councillor Eakin left the meeting at 9:00PM

RESOLVED:

That company 3 be selected to undertake the work on the recreation ground but with clarification from an independent assessor to perform the overseeing of the work done by company c.

C517 SUSPENSION OF STANDING ORDER 3(x)

RESOLVED:

That Standing Order 3(x) be suspended for a period of 30 minutes to enable the remainder of the business on the agenda to be considered.

Councillor Troy left the meeting at 9:02PM

C518 ROLLING FOR CANCER

It was proposed by Councillor Hughes that a letter of support for the Rolling Cancer event be submitted to Herefordshire Council. Councillor Bradford seconded this

RESOLVED:

That a letter of support from Leominster Town Council be submitted to Herefordshire Council.

Councillor Bannister left the meeting at 9:08PM

Councillor Bannister returned to the meeting at 9:09PM

C519 DATE OF NEXT MEETING

RESOLVED:

It was noted that the next meeting of Full Council was scheduled for 31 March 2022 at 7:00 pm.

C520 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 the business about to be transacted, it is advisable in the public interest that the press and public be excluded from the remainder of the meeting.

Councillor Whattler left the meeting at 9:13PM

C521 LEDBURY WAR MEMORIAL

Members were requested to give consideration to a response received from the Contractors solicitors in respect of progressing the repairs required to the War Memorial.

It was felt that due to a number of councillors having left the meeting there were insufficient members remaining to make an informed decision on the issues being discussed.

Councillor Chowns asked how much it would cost to restore the war memorial to the condition it should have been in, the Clerk advised that due to Members not making a decision on which structural the architects to appoint at a previous meeting Caroe had not been able to provide this information to date. Following further discussion Councillor Bradford suggested that an extraordinary meeting should be arranged due to the lack of Councillors present. This was proposed by Councillor Hughes and seconded by Councillor Knight.

RESOLVED:

1. That an extraordinary meeting be organised to discuss the item in more detail.
2. That the recommendation from the Resources Committee (minute no, 148(1) refers) would also be included on the agenda of the Extraordinary meeting.

The meeting ended at 9:29pm.

Signed Dated
(Chair)

FULL COUNCIL
03.02.2022

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
C497	That minute no. C492 be amended as follows: "Councillor Bradford asked why Red Kite Solicitors had been chosen to represent the Council and asked whether they had the relevant expertise."	Admin	Feb-22		Completed
C499(2)	The Clerk to email Mr Ellis correspondence between the Council and Solicitor regarding if the Caroe report should be shared, subject to permission be given by the solicitor.	TC	Feb-22	Solicitor advice was not to provide this information at this time - SE advised accordingly	Completed
C501	That the Herefordshire Bus Service Improvement Plan be referred to the Traffic Management Working Party for further consideration.	TC			In Progress
C502 (4)	That the Special Audit report be made public.	TC	07 Feb 2022		Completed
C502 (5)	That the Clerk be instructed to draft an action plan based on the outcome of the special audit report.	TC	Apr 22	Due to high workload this item will not be considered until April/May 2022	In Progress
C508 (3)	The Community Development Officer to liaise with the schools in Ledbury to create a poster for world book day noting that submissions must be returned by Friday, 18 February 2022 to allow sufficient advertising.	CDO	Feb-22		Completed

C508(5)	The Events Working Party to employ an events planner with experience in holding cultural festivals, to assist with the organisation of Reggae on the Rec.	E & T/CDO	Mar-22	CDO has met with one company (quote awaited) and has approached two others. One has advised that they do not have resources to manage Ledfest, and the third has not replied. All companies contacted are local	In Progress
C509	That Council agreed to expenditure for a company to design and print a programme of events for the jubilee weekend, to be funded via the Wellcome Back Fund	CDO	Mar-22		In progress
C510	That a Working Party to consider grant funding be set up		Feb-22	Grants WP has met three times and the next meeting is scheduled for 31.03.2022 - minutes reported back to FP & GP meeting on 24.03.2022	Completed
C511	That the clerk contacts the internal auditor to ask whether he would be able to undertake a review of processes and procedures used with regard to the War Memorial refurbishment.	TC	Feb-22	Internal auditor contacted - response awaited	In Progress
C514(1)	That the council facilitate a Careers and Advice Fair in Ledbury at the end of March, subject to there being enough demand and interest from businesses and other related organisations.	CDO	31.03.2022		Completed
C514(2)	That the Council hire the Community Hall at a cost of £25 per hour to facilitate the Careers and Advice Fair.	CDO	31.03.2022		Completed
C514(3)	That the Community Groups be invited to attend the Careers and Advice Fair, subject to there being enough room for a stand.	CDO	31.03.2022		Completed

C515 (2)	The CDO advise the Cheltenham Motor Club that the Council's chosen charity is West Midlands Air Ambulance.	CDO	Feb-22		Completed
C516	That company 3 be selected to undertake the work on the recreation ground but with clarification from an independent assessor to perform the overseeing of the work done by company 3.	TC	Feb-22	Caroe advised and contractor notified of appointment. Anticipated start of inspections April 2022	Completed
C518	That a letter of support from Ledbury Town Council be submitted to Herefordshire Council for Reeling Cancer.	TC	Feb-22		Completed
C521 (1)	That an extraordinary meeting be organised to discuss the War Memorial item in more detail.	C	09.02.2022		Completed

POSTPONED

POSTPONED

LEDBURY TOWN COUNCIL

**MINUTES OF AN EXTRAORDINARY FULL COUNCIL HELD ON
9 FEBRUARY 2022**

PRESENT: Councillors Bannister, Bradford, Chowns, Eakin, Harvey, Howells, Hughes, Knight, Morris, Sinclair, and Whattler

ALSO PRESENT: Angela Price – Town Clerk
Amy Howells – Minute Taker

C521 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Troy and Martins.

C522 DECLARATIONS OF INTEREST

None received.

C523 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES

RESOLVED:

That the Nolan Principles be received and noted.

C525 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3 (F)

RESOLVED:

No public present

C526 DATE OF NEXT MEETING

RESOLVED:

It was noted that the next meeting of Full Council was scheduled for 31 March 2022 at 7:00PM

C527 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 the 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.

C528 LEDBURY WAR MEMORIAL

Members were requested to give consideration to information provided in respect of the letter sent from the Council's solicitor to the contractors solicitors.

They were requested to give consideration to the following five recommendations:

1. That Members give consideration to the letter received from the contractors' solicitors on behalf of their client The Stone Workshop and agree how they wish to proceed in the light of the information contained therein.
2. That Members give consideration to the information and attached to this report in respect of the Structural Engineers and decide which company they wish to appoint to provide their services in relation to the repairs needed to the War Memorial.
3. That Members take notice of the advice provided by the Council's solicitors in respect of the Caroe report and do not release the report to the individual or make public in any way at this time.
4. That Members receive and note the attached information received and sent to a member of the public.
5. That Members consider the advice received from the Council's solicitors in respect of any further engagement with members of the public and agree on a way forward.

All members were given the opportunity to speak on the issues concerned and following considerable discussion the following was proposed:

That Ledbury Town Council make a counteroffer to that proposed by the contractors' solicitors that Ledbury Town Council request a payment of £10,000 as full and final settlement to the matter, noting that should the contractor refuse this offer the Council will take legal action to recover monies.

A named vote was requested the outcome of which was as follows:

FOR: (9)
Councillors Bannister, Whattler, Sinclair, Chowns, Harvey, Hughes, Morris, Howells, Eakin

AGAINST: (1)
Councillor Bradford

ABSTENTION: (1)
Councillor Knight

Councillor Bradford proposed that the works to repair the War Memorial be commenced as a priority.

FOR: (10)

Councillor Bradford, Sinclair, Knight, Chowns, Harvey, Hughes, Morris, Whattler, Bannister, Howells

**Abstention: (1)
Councillor Eakin**

Councillor Chowns proposed a press release being prepared as soon as possible.

Councillor Eakin left the meeting at 7:58PM

The Clerk advised that she had received advice from solicitor regarding Mr Ellis' request for a copy of the advice from the Solicitors in respect of the release of the Caroe report. She informed members that the Solicitor had declined the release of his email on the grounds of legal privilege.

Councillor Harvey proposed that the Clerk write to members of the public and thank them for engaging in this matter advising them of the Council's next steps.

RESOLVED:

1. That Ledbury Town Council make a counteroffer to that proposed by the contractors' solicitors that Ledbury Town Council request a payment of £10,000 as full and final settlement to the matter, noting that should the contractors refuse this offer the Council will take legal action to recover monies.
2. That the Council make arrangements for the repairs to the Memorial to be expediated.
3. That the Clerk advise Caroe of the Council's decision in respect of which structural engineer to appoint.
4. That the Council follow legal advice in respect of the request by Mr Ellis in respect of the release of the Caroe report.
5. Councillor Harvey proposed that the Clerk write to members of the public and thank them for engaging in this matter advising them of the Council's next steps.
6. That the Clerk drafts a press release and letters to be sent to members of the public who have engaged via email/letter and that this draft be sent to all Councillors for their comments prior to sending.

C529 RECOMMENDATIONS FROM RESOURCES MEETING

Staffing Issues

Councillor Morris had requested further discussion in respect of Minute No. 148.

Following considerable discussion, it was **RESOLVED**:

1. That the review of Post Holder 50 be undertaken prior to them going on Maternity leave.
2. That the Clerk advertise the role of Community Development Officer as a one-year fixed term (maternity cover) as a priority.
3. That the Clerk and Community Development Officer meet to discuss the current job description to ensure it is fit for purpose.

The meeting ended at 8:39pm.

Signed Dated
(Chair)

EXTRAORDINARY FULL COUNCIL

09.02.2022

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
C528 (1)	That Ledbury Town Council make a counter offer to that proposed by the contractors' solicitors that Ledbury Town Council request a payment of £10,000 as full and final settlement to the matter, noting that should the contractors refuse this offer the Council will take legal action to recover monies.	TC	10.02.2022	Letter sent by Council's solicitors and response received and considered	Completed
C528 (2)	The Council make arrangements for the repairs to the Memorial to be expediated.	TC	10.02.2022	TC contacted Caroe and Conservation Officer to arrange a meeting to discuss next steps - meetings held on 11 & 18 March	Completed
C528 (3)	That the Clerk advise Caroe of the Council's decision in respect of which structural engineer to appoint.	TC	10.02.2022	Structural engineer appointed - anticipated start date for inspections April 2022	Completed
C528 (4)	That the Council follow legal advice in respect of the request by Mr Ellis in respect of the release of the Caroe report.	TC	Feb-22	SE Advised accordingly	Completed
C528 (5)	The Clerk to write to members of the public and thank them for their engagement re the War Memorial	TC	Feb-22	Letter sent	Completed
C528 (6)	the Clerk draft a press release and letters to be sent to members of the public who have engaged via email/letter, draft sent to all cllrs for their comments prior to sending	TC	Feb-22		Completed
C529 (2)	The Clerk to advertise the role of Community Development Officer as a one-year fixed term (Maternity Cover)	TC			Completed

C529 (3)	Clerk and Community Development Officer meet to discuss the current job description to ensure it is fit for purpose	TC				Completed
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POSTPONED

LEDBURY TOWN COUNCIL

**MINUTES OF AN EXTRAORDINARY FULL COUNCIL HELD ON
14 MARCH 2022**

PRESENT: Councillors Bannister, Howells, Knight, Morris, Sinclair, Troy and Whattler

ALSO PRESENT: Angela Price – Town

C530 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Chowns, Eakin, Harvey, Hughes and Manns.

C531 DECLARATIONS OF INTEREST

None received.

C532 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES

RESOLVED:

That the Nolan Principles be received and noted.

C533 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)

None received.

C534 DATE OF NEXT MEETING

RESOLVED:

To note that the next meeting of Full Council is scheduled for 31 March 2022 at 7.00 pm.

C535 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 the business about to be transacted, the press and public are excluded from the remainder of the meeting

C536 LEDBURY WAR MEMORIAL – TO CONSIDER RESPONSE FROM TSW SOICITORS

Members were provided with a copy of a response received from The Stone Workshop's solicitors in response to the counteroffer agreed by Ledbury Town Council following its meeting held on 9 February 2022, together with an accompanying commentary note with acceptance or otherwise implications from the Council's solicitors.

In the response from the Stone Workshop a further counteroffer had been proposed.

Each Councillor was given the opportunity to give their opinion in respect of the counteroffer and following considerable discussion it was the opinion of Council that this was likely to be the best offer to be forthcoming from the Contractor. However, it was felt that the offer should not be accepted as presented, but that the Council should insist on caveats being placed upon the final agreement.

RESOLVED:

1. **That a request be made for a Statement of Finances from The Stone Workshop and that this incorporates the period from when the Council made the first payment to them in June 2020 to the present day.**

2. **Subject to the outcome of the Statement of Finances the following caveats be incorporated in any payment agreement:**

If it proves that their finances are as indicated by TSW then the Council would be prepared to accept their offer to pay in instalments. However, they would wish for the following caveats to be included in the agreement:

- **If TSW default on a payment, then the Council would expect full payment immediately**
- **If TSW fail to make full payment, as above, then LTC would reserve the right to take further legal action against them**

However, if upon receipt of the Statement of Finances it proves that TSW's finance are greater than they have indicated then the Council would ask either for increased monthly payments with a shorter payback period, or even that the £10,000 be paid as a one-off payment.

3. That upon receipt of the Financial Statement a further meeting of Council be called to give consideration to the way forward.

The meeting ended at 7.50 pm.

Signed Dated
(Town Mayor)

POSTPONED

POSTPONED

EXTRAORDINARY FULL COUNCIL
14.03.2022

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
C536(1)	That a request be made for a Statement of Finances from TSW and that this incorporates the period from when the council made the first payment to them in June 2020 to the present day.	TC/RK	16.03.2022	Letter sent 16.03.2022 - deadline for response from TSW 06.04.2022	Completed
C536(2)	Subject to the outcome of the Statement of Finances the following caveats be incorporated in any payment agreement: If it proves that their finances are as indicated by TSW then the Council would be prepared to accept their offer to pay in instalments however, they would wish for the following caveats to be included in the agreement: o If TSW default on a payment, then the Council would expect full payment immediately o If TSW fail to make full payment, as above, then LTC would reserve the right to take further legal action against them However, if upon receipt of the Statement of Finances it proves that TSW's finance are greater than they have indicated then the Council would ask either for increased monthly payments with a shorter payback period, or even that the £10,000 be paid as a one-off payment.	Council	Apr-22	Upon receipt of information further EO Meeting of Council to be arranged	Awaiting further information

POSTPONED

C536(3)	That upon receipt of the Financial Statement a further meeting of council be called to give consideration of a way forward	TC	Apr-22	Meeting to be arranged upon receipt of information	Awaiting further information
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POSTPONED

POSTPONED

LEDBURY TOWN COUNCIL

MINUTES OF AN ECONOMY AND TOURISM COMMITTEE HELD ON
3 MARCH 2022

PRESENT: Councillors Chowns (Chair), Howells, Knight and Morris
NON COUNCIL: Griff Holliday

ALSO PRESENT: Julia Lawrence – Deputy Clerk
Amy Howells – Minute Taker
Heather Richardson – Local Discovery Card

ET33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bannister, Bradford, Harvey and Hughes.

ET34 THE NOLAN PRINCIPLES

RESOLVED:

Received and noted.

ET35 TERMS OF REFERENCE – QUORUM

It was proposed by Councillor Chowns that the quorum for the Economy & Tourism Committee be four members.

RESOLVED:

That the Quorum for the Economy & Tourism Committee be recorded as four members.

ET36 DECLARATIONS OF INTEREST

RESOLVED:

That Councillor Morris declared an interest in the Bye Street Toilets and the Jubilee Event souvenir brochure.

ET37 PUBLIC PARTICIPATION

No public were present.

ET38 TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF A MEETING OF THE ECONOMY & TOURISM COMMITTEE HELD ON 4 NOVEMBER 2021.

RESOLVED

That the minutes of the Economy & Tourism Committee meeting held on 4 November 2021 be approved and signed as a correct record.

ET39 ACTION SHEETS

- Minute ET25(1) - Councillor Chowns requested that the Shop Front grant applications be expedited as soon as possible upon receipt so that they could be approved before 31 March 2022 to allow sufficient time for traders to get quotes for their improvements. The Clerk was asked to investigate whether the deadline date for submission of grant applications could be put back due to the initial delay in getting information from Herefordshire Council.
- Minute ET26 – Heritage Day event – Members agreed that this item should be added back on to the Action Sheet in order to create a bigger event going forward.

RESOLVED

1. That the Clerk be requested to investigate the possibility of putting back the deadline date in order to allow sufficient time for traders to get quotes for their works.
2. That Minute No. ET26 Feedback from Heritage Open Day be re-entered onto the action sheet as previously shown.

ET40 LOCAL DISCOVERY CARD

Heather Richardson, from Local Discovery Card, gave a presentation to the Committee Members explaining what the Local Discovery Card was and what its benefits could be for the residents of Ledbury. Ms Richardson explained that the Discovery Card was currently being used in Herefordshire, Gloucestershire and Monmouthshire having 350 businesses in total signed up to the scheme. She explained that it is a digital discount card designed for local businesses, which offers free advertising and three types of membership, being a weekly, monthly or annual membership, and that she provides advertisements for businesses at a £5 annual admin fee on the website 'Local Discovery'. Heather informed Members that ten Ledbury businesses had already signed up to the Card.

Griff Holliday expressed an interest in using the card to promote the Food Festival or even consider promoting the Big Breakfast.

Committee Members thanked Ms Richardson for attending, noting that the presentation was well received and informative.

RESOLVED:

That members receive and note the presentation.

ET41 TOURIST INFORMATION CENTRE

Members noted the report that had been submitted by the Community Development Officer ('CDO') and for the need to have a Tourist Information Centre ('TIC') in Ledbury. Subsequent to this report, the Deputy Clerk gave a further update on the report at the meeting advising Members that the CDO had since heard back from the Masters House confirming that they would be happy to accommodate a TIC but it would need to be located in one of the rooms called 'The Pantry'. However, this was not ideal since there may not be any staff members in the building on a Saturday afternoon and because of the room's location, members of the public could end up in any part of the building which was also not ideal from a security/safety perspective. Councillor Knight believed that the Master's House was also out of the way from the bus drop off point.

Councillor Howells suggested that Ledbury Town Council's committee room would be a good place to open a TIC and that it should be open 6 days a week in line with the Painted Room. Griff Holliday considered that it should be open 7 days a week to cover the tourist season. Members appreciated that additional staff would be required to man the TIC and Councillor Knight proposed that the CDO look at creating a business plan for the committee room to be used as a TIC and employ someone to work on Saturdays and Sundays.

After discussion, Members agreed to recommend the use of the reception area of Ledbury Town Council as a TIC with immediate effect, but with a view to extending this as soon as possible to 7 days once staff, whether paid or volunteers, could be found to cover the additional day. It was noted that volunteers at the Heritage Centre had different skills and so any volunteers working in the TIC would need to be trained.

RECOMMENDED

1. **That a recommendation be made to Full Council that a temporary Tourist Information Centre be sited in the reception area of the Town Council Offices 6 days a week, subject to staffing cover.**
2. **That the CDO be requested to draft a business plan into the feasibility of using the Committee Room as a full-time TIC 7 days a week.**

ET42 JUBILEE WEEKEND/BROCHURE

Members were advised that the times for the 'Ledfest on the Rec' event, taking place on Friday, 3 June 2022, would be 2.00pm until 9.00pm and not as stated on the draft poster attached. It was noted that ten expressions of interest had already been received from musicians who wanted to take part in the event.

Griff Holliday asked for the use of Ledbury Town Council's gazebos for Community Day.

The Committee considered that basic guidance notes for street parties should be prepared for members of the public advising them how to apply for grant funding i.e. road closures and this guidance could be printed in Ledbury Town Council's newsletter.

Members were advised that the Souvenir brochure will be circulated within the Focus prior to the Ledfest event. However, members noted that the Focus is not always delivered to residents at the same time of businesses and suggested that Betty, at the Focus, be contacted to see if publication of the June edition could be brought forward, prior to the Jubilee events. It was also noted that not all areas of Ledbury receive a copy of the Focus. In the case of Lawnside, it was reported that copies of the Focus are delivered to the specific area but not actually delivered to the properties.

Councillor Knight made reference to the process for receiving quotations and considered that Ledbury Town Council should consider a sealed bids approach whereby all bids are opened at the start of a meeting to demonstrate total openness and transparency. Members noted that some quotations may be confidential and would need to be done in a closed session. Councillor Howells noted that there may not be sufficient time in the meeting to digest the contents of quotations and that the Economy & Tourism Committee should take guidance from the Clerk on this matter.

RESOLVED:

1. That the Deputy Clerk is to contact Grapevine Publications to ask whether the publication of the June edition of the Focus magazine could be brought forward.
2. That the Clerk is to provide some guidance should Ledbury Town Council wish to consider adopting the sealed bid process.

ET43 TO RECEIVE AND NOTE THE MINUTES OF THE GRANT FUNDING WORKING PARTY HELD ON 17 FEBRUARY 2022.

Councillor Morris noted that his surname had been incorrectly spelt and asked for this to be amended.

RESOLVED:

That the minutes of the Grant Funding Working Party meeting held on 17 February 2022 be received and noted subject to the above amendment.

WELCOME BACK FUND AND GREAT PLACES TO VISIT PROJECTS

Members were requested to give consideration to the minutes of a meeting of the Grant Funding Working Party held on 17 February 2022 and associated reports.

Members noted that several of the information updates referred to attachments which were not included, such as pages 144, 148 and 150. Members requested that the Clerk forward on a copy of the email received in respect of Town Centres public realm, page 150.

It was noted that page 148 should read "£750" and not £705.

With reference to the Shop Front grant scheme, Councillor Morris asked to be copied into correspondence relating the Civic Society since no responses had been received from the Civic Society, then Councillor Morris would contact them direct.

Bike Racks – Members of the Committee considered whether one car parking space in the High Street could be utilised for a bike rack as they felt that next to the Market House was not a suitable location.

Committee members made reference to the future public realm maintenance funding to be received £350,000 and £250,000 respectively noting that some of these monies could be used for the Top Cross barriers and consideration for a new Youth Club. Busy Bee could be an ideal venue for a Youth Club as some floor space was not currently being used so a separate new entrance and toilets could be built whereby splitting the building into two as well as utilising all the space at the same time.

RESOLVED:

- 1 That the minutes of Grant Funding Working Party held on 17 February 2022 and associated reports, be received and noted. Committee Members reviewed the Welcome Back Fund and Great Places to Visit projects and noted updates and noting the comments received above.
- 2 That the Clerk be requested to provide a copy of the email omitted on page 150 in respect of the Town Centres public realm to the Committee Members.

ET44 COMMUNITY DEVELOPMENT OFFICER STRATEGIC PLAN

Councillor Morris requested that more clarity be provided in terms of timelines appreciating that some dates may slip.

Reference was made to the strategy plan for the Charter Market not yet being available.

Committee Members requested that a hand-over meeting should take place between the Chair and Vice-Chair of the Economy & Tourism Committee with the Community Development Officer prior to her departure on 1 April 2022, as well as being an opportunity to have an informal meeting to discuss the strategic plan.

Councillor Morris stressed that Members needed clarity and clear vision on objectives set, i.e. 'Plastic free Ledbury' or 'Sustainable Ledbury'.

RESOLVED:

1. That the Committee receive and note the contents of the Strategic Plan.
2. That the Community Development Officer arranges a hand-over meeting with the Chair and Vice-Chair of the Economy & Tourism Committee before she starts Maternity Leave.

ET45 CORPORATE PLAN

The Committee reviewed the Corporate Plan, noting updates and agreed to review the Plan at the next meeting as to what actions are now due to be taken.

RESOLVED:

1. That the Corporate Plan be received and noted.
2. That the Corporate Plan be reviewed at the next meeting of the Committee in respect of what actions are now due.

ET46 WORKING PARTIES

TO RECEIVE AND NOTE MINUTES OF A MEETING OF THE MARKETS WORKING PARTY HELD ON 10 FEBRUARY 2022.

Committee Members discussed the Beefy Boys attending on one of the recent market days. It was noted that whilst there were mixed views about the Beefy Boys coming to Ledbury, Ledbury Town had been extremely vibrant and the Beefy Boys had been well received by local traders as they too had all recorded good sales. Councillor Morris suggested that Beefy Boys should be located in St Katherines car park but it was pointed out that Ledbury Town Council is trying to encourage new traders to attend as part of its Charter Market and build up its market base.

RESOLVED:

That the minutes of the Markets Working Party meeting held on 10 February 2022 be received and noted and that the three recommendations be accepted and referred to Full Council.

ET47 NATIONAL ASSOCIATION OF BRITISH MARKETS (NABMA)

Committee Members made reference to the Declaration of Market Powers, noting the following comments:

Page 171, reference V – Committee members considered that Ledbury Town Council needed to define the costs, i.e. £17.00 for under the Market House and £20.00 outside. Councillor Knight made a general reference to the costs being charged and considered that Ledbury Town Council needed to revisit them, as compared to other markets, Ledbury's fees were cheap and suggested £35.00 should be charged for the day if including a gazebo.

Page 172 – reference II – Committee members noted that the "The Ledbury markets, fairs and court of Pie powder translation of pro c.66/1264 m.m. 27/28" had not been attached and asked for a copy to be circulated.

RECOMMENDATIONS:

- 1 That the Markets Declaration and additional information be recommended for acceptance at a meeting of Full Council.
- 2 That a copy of the "The Ledbury markets, fairs and court of Pie powder translation of pro c.66/1264 m.m. 27/28" (Page 172) had not been attached and Members asked for a copy to be circulated.

ET48 DATE OF NEXT MEETING

RESOLVED:

Date of next meeting to be agreed at the Annual Meeting of Council scheduled for Thursday, 12 May 2022.

The meeting ended at 8:50pm.

Signed Dated
(Chair)

POSTPONED

ECONOMY & TOURISM COMMITTEE - ACTION SHEETS

[Following 3 March 2022 Committee Meeting]

0.0.2022 Minute No.	Action	Actioned by [Officer]	Date to be Actioned by	Comments	Status
ET39 (1)	The Clerk to investigate the possibility of putting back the deadline date for Shop front grant applications in order to allow sufficient time for traders to get quotes for their works.	TC	29.03.22	Members are asked to note that the actual deadline is 30 June 2022. This is to have works completed and paid for by the shop owner, and for completed applications to be submitted to LTC by 30 June 2022.	Completed
ET39 (2)	Minute No. ET26 The Heritage Open Day event is to be re-entered onto the action sheet as previously shown.	TC	24.03.22		Completed
ET41 (2)	The CDO to draft a business plan into the feasibility of using the Committee Room as a full-time TIC 7 days a week.	CDO	31.03.22	Further details to be submitted to Full Council on 31 March 2022	In Progress
ET42 (1)	The Deputy Clerk is to contact Grapevine Publications to ask whether the publication of the June edition of the Focus magazine could be brought forward.	DC	24.03.22	Grapevine has been contacted and unfortunately they are unable to change their print programme. All material needs to be with Grapevine by the 9th day of each month in readiness for circulation before the end of each month.	Completed
ET42 (2)	The Clerk is to provide some guidance should Ledbury Town Council wish to consider adopting the sealed bid process.	TC	12.05.22		In Progress
ET43 (2)	The Clerk be requested to provide a copy of the email omitted on page 150 in respect of the Town Centres public realm to the Committee Members.	TC	11.03.22		Completed

ET44 (2)	The Community Development Officer to arrange a hand-over meeting with the Chair and Vice-Chair of the Economy & Tourism Committee before she starts Maternity Leave.	CDO	31.03.22	In Progress
ET47 (2)	That a copy of the "The Ledbury meets, fairs and court of Pie powder translation of pro c. 1264 mem. 27/28" (Page 172) had not been attached and Members asked for a copy to be circulated.	CDO	31.03.22	In Progress

LEDBURY TOWN COUNCIL

**MINUTES OF A PLANNING COMMITTEE HELD ON
10 FEBRUARY 2022**

PRESENT: Councillors Bannister, Hughes, Morris, Bradford, and Howells

ALSO PRESENT: Angela Price – Town Clerk
Amy Howells – Minute Taker

P532 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harley, Knight, Manns, Knight, Manns and Sinclair.

P533 DECLARATIONS OF INTEREST

None received

P534 NOLAN PRINCIPLES

That the Nolan Principles be received and noted

P535 TERMS OF REFERENCE - QUORUM

RESOLVED:

That the Quorum of the Planning Committee be three Councillors and that the Terms of Reference be amended accordingly.

P536 PUBLIC PARTICIPATION

Mr Davies of New Street, Ledbury had concerns over Planning Application no. 220103. He advised that Herefordshire Council Enforcement Officers Department had issued an Enforcement Notice, however the owner of the unit did not appear to be adhering to the times already in place. He advised that residents have had their sleep disturbed from early morning deliveries which have occurred regularly before 6am on weekdays from heavy articulated vehicles. He informed Members that the owner of the business had taken no notice of their complaints and that several of the units in this area start/finish work later than that agreed. Mr Davies asked Ledbury Town Council to take into consideration his concerns and those of other local residents.

**P537 TO APPROVE AND SIGN THE MINUTES OF THE PLANNING COMMITTEE
MEETING HELD ON 13 JANUARY 2022**

RESOLVED:

That the minutes of a Planning Committee meeting held on 13 January 2022 be approved and signed as a correct record.

P538 TO REVIEW THE ACTION SHEET

RESOLVED:

That the Action Sheet be received and noted.

P539 PLANNING CONSULTATIONS

8.1 Application No. 212375 – South of Leadon Way, Ledbury, Herefordshire, HR8 2HT

RESOLVED:

That members have no objection to the planning application subject to the Section 106 agreement and the Clerk writing to Carl Brace Planning Officer to advise the following:

"Whilst LTC note that the outcome of this application is pending a S106 agreement, they have concerns over the five houses that were previously discussed with Planning Officers. These five houses appear to still be included in the amended plans and Ledbury Town Council were advised that if these houses were to remain as part of the application then it was unlikely that planning officers would support this application. However, Ledbury Town Council have concerns that as the S106 agreement is pending does this mean that Planning Officers are minded to approve the application with the inclusion of these five houses?

Ledbury Town Council have no objection to the amended plans, subject to the exclusion of the five houses previously discussed."

8.2 Application No. 213055 – 67 The Homend, Ledbury, Herefordshire, HR8 1BP

RESOLVED:

No objection subject to the Clerk contacting Planning Officers to enquire whether this is a repetition of the previous application, noting that this application refers to the property as a listed building.

8.3 Application No. 213726 – The Priory, Worcester Road, Ledbury, Herefordshire, HR8 1PL

RESOLVED:

No objection

8.4 Application No. 220103 – Unit 3, Bankside Industrial Estate, Little Marcle Road, Ledbury, Herefordshire, HR8 2DR

Councillor Hughes proposed that Members object to the extension of hours. This was seconded by Councillor Morris. A further proposal was made by Councillor Howells that the Council ask for additional information on the planning enforcement. This was seconded by Councillor Bradford.

RESOLVED:

1. **OBJECTION – on the grounds that the current hours being breached and noise pollution.**
2. **That the Clerk contacts the Planning Enforcement officers at Herefordshire Council to ask for clarification on the enforcement rules in place in respect of Unit 3 and whether there has been any improvement since the enforcement notice was issued.**

8.5 Application No. 220192 – The Cedars, Horse Lane Orchard, Ledbury, Herefordshire, HR8 1PL

Councillor Howells proposed that two members of the Committee look at the Cedar trees, this was seconded by Councillor Bradford.

RESOLVED:

That Councillors Bannister and Morris visit and the above location and advise the Clerk who will then send an email to all Members of the Planning Committee for their views on this application.

8.6 Application No. 220291 – The Cedars, Horse Lane Orchard, Ledbury, Herefordshire, HR8 1PP

RESOLVED:

That Councillors Bannister and Morris visit and the above location and advise the Clerk who will then send an email to all Members of the Planning Committee for their views on this application.

P540 PLANNING DECISIONS

RESOLVED:

1. **That the planning decisions be received and noted.**
2. **That the Clerk invite Carl Brace to attend a future Planning meeting to discuss why there are so many planning applications outstanding.**

WORKING PARTIES

P541 A. MINUTES OF A MEETING OF THE LARGER PLANNING APPLICATIONS WORKING PARTY HELD ON 10 JANUARY 2022

RESOLVED:

That the minutes of the meeting of the Larger Planning Applications Working Party meeting held on 10 January 2022 be received and noted.

- b. MINUTES OF A MEETING OF THE TRAFFIC MANAGEMENT WORKING PARTY HELD ON 17 JANUARY 2022**

RESOLVED:

That the minutes of the meeting of the Traffic Management Working Party meeting held on 17 January 2022 be received and noted.

- c. NEIGHBOURHOOD DEVELOPMENT PLAN (NDP)**

Councillor Howells provided an update on the Neighbourhood Development Plan advising that the Working Party were currently at the Reg 14 consultation stage which had been approved by Herefordshire Council.

He asked Members whether they could give some time to assisting with the consultation events being held in the Council Offices as per the scheduled that had been circulated to all Councillors.

RESOLVED:

That the Neighbourhood Development Plan documents be received and noted.

GENERAL

- P544 CORRESPONDANCE RECEIVED IN RESPECT OF THE 132 LEDBURY TO GLOUCESTER BUS SERVICE**

The Clerk advised that she had received an email from the Clerk at Newent Town Council asking what, if anything Ledbury Town Council were planning to do in respect of the withdrawal of this bus service.

Councillor Bradford believed that the Council should write to Herefordshire Council regarding the 132-bus route from Ledbury to Gloucester to replace the bus service. Councillor Howells said there should be support at a minimum towards a morning and evening service for students and those travelling to and from work. Councillor Howells proposed a zoom Parish meeting between Councillor Harrington, Stagecoach, and representatives from other affected towns (Ross, Newent, Dymock, Hereford) for a consultation to see what can be done. This was seconded by Councillor Bradford.

RESOLVED:

That the Clerk organise a zoom Parish meeting to include Councillor Harrington, Stagecoach, and representatives from effected towns (Ross, Newent, Dymock, Hereford) for a consultation to see what can be done.

P543 LOCAL PLAN SPATIAL OPTIONS CONSULTATIONS

Councillor Howells proposed that this be considered at the next Larger Planning Applications meeting, with the draft response being circulated to all councillors for their comments, Councillor Bradford seconded this proposal.

RESOLVED:

- 1. That the Local Plan Spatial Options Consultations be received and noted.**
- 2. That the Local Plan Spatial Options Consultation be considered at a meeting of the Larger Planning Applications Working Party and that the draft response be circulated to all Councillors for their comments.**

P544 DATE OF NEXT MEETING

RESOLVED:

It was noted that the next meeting of the Planning Committee was scheduled for Thursday, 10 March 2022 at 7.00PM.

The meeting ended at 8.15pm.

Signature Dated
(Chair)

POSTPONED

ACTION SHEET

PLANNING COMMITTEE 10.02.2022

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
P539(8.1)	That the Clerk write to CB to advise the following: "Whilst LTC note that the outcome of this application is pending a S106 agreement, they have concerns over the five houses that were previously discussed with Planning Officers. These five houses appear to still be included in the amended plans and Ledbury Town Council were advised that if these houses were to remain as part of the application then it was unlikely that planning officers would support this application. However, Ledbury Town Council have concerns that as the S106 agreement is pending does this mean that Planning Officers are minded to approve the application with the inclusion of these five houses?"	TC	15.02.2022	App 212375 - Email sent to CB - no response received to-date	Completed
P539 (8.2)	Clerk to contact Planning Officers to enquire whether this is a repetition of the previous application, noting that this application refers to the property as a listed building.	TC	15.02.2022	Application No 210335 - response received advising that there are some revisions to address technical heritage comments. The principle is supported by officers and Town Council comments noted.	Completed

P539 (8.5)	That Councillors Bannister and Morris visit and the above location and advise the Clerk who will then send an email to all Members of the Planning Committee for their views on this application.	TC, NM, JB		Application No. 220192/220294	Completed
P544	That the Clerk organise a zoom Parish meeting to include Councillor Harrington, Stagecoach and representatives from effective towns (Plass, Newent, Dymock, Hereford) for a consultation to see what can be done.	TC	09.03.2022	Public meeting arranged for 09.03.2022 - advert published 01.03.2022 - link to be sent to stakeholders and provided to any members of public requesting it	Completed
P543 (2)	That the Local Plan Spatial Options Consultation be considered at a meeting of the LPAWP and that the draft response be circulated to all councillors for their comments	LPAWP	Mar-22	Councillors Bannister & Howells drafting response	In Progress

LEDBURY TOWN COUNCIL
MINUTES OF A PLANNING COMMITTEE HELD ON
10 MARCH 2022

PRESENT: Councillors Bannister, Howells and Hughes

ALSO PRESENT: Angela Price – Town Clerk
Amy Howells – Minute Taker

P545 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Knight, Manns, Morris and Tory

P546 TO RECEIVE ANY DECLARATIONS OF INTEREST AND WRITTEN REQUESTS FOR DISPENSATIONS

None received.

P547 NOLAN PRINCIPLES

That the Nolan Principles be accepted and noted

P548 PUBLIC PARTICIPATION

One member of the public present.

P549 TO APPROVE AND SIGN THE MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 13 JANUARY 2022

RESOLVED:

That the minutes from the Planning Committee meeting held on 13 January 2022 be accepted and signed as a correct record, subject to the following amendments:

Minute No. P535 Councillors Knight and Manns had been recorded as being absent twice.

P550 TO REVIEW THE ACTION SHEET

RESOLVED:

1. That the Clerk follow up the email to Carl Brace via Kelly Gibbons in respect of the council's concerns in relation to the Barratts application.
2. That Councillors Bannister and Howells provide a draft copy of the response to the Local Plan Spatial Options Consultation no later than the end of business Wednesday, 23 March 2022 so that this can be included in the Full Council agenda for the meeting scheduled for 31 March 2022.

P551 PLANNING CONSULTATIONS

- 7.1 Application No. 212114 – Land at Parkway House, Little Woolpits Lane, Parkway, Herefordshire, HR8 2JG

This application had already been reported by planners and has now been appealed by applicants. Previously Committee members did not object.

RESOLVED:

No Objection.

- 7.2 Application No. 213685 – 19 Bramley Close, Ledbury, Herefordshire, HR8 2XQ

Members had no objections subject to consideration being given to light issues and access to neighbouring properties being available during the works and that any access arrangements agreed via the planning process be enforced.

RESOLVED:

No Objection, subject to consideration being given to light issues and access to neighbouring properties being available during the works and that any access arrangements agreed via the planning process be enforced.

- 7.3 Application No. 213801 – 12 Winston Close, Ledbury, Herefordshire, HR8 2XQ

RESOLVED:

No Objection.

- 7.4 Application No. 220374 – Briar Bank, 49 Bank Crescent, Ledbury, Herefordshire, HR8 1AF

RESOLVED:

No Objection.

- 7.5 Application No. 220489 - 163 The Homend Ledbury Herefordshire HR8 1BS

RESOLVED:

No Objections.

- 7.6 Application No. 220576 – 2 Rose Cottages, Victoria Road, Ledbury, Herefordshire, HR8 2DB

RESOLVED:

No Objections.

- 7.7 Application No. 220603 – 17/19 The Homend, Ledbury, Herefordshire, HR8 1BN

RESOLVED:

No Objections.

P552 PLANNING DECISIONS

RESOLVED:

1. That the Planning Decisions be received and noted
2. That 11 March and 8 April 2021 be merged as these relate to the same planning applications.

P553 TO RECEIVE AND NOTE THE MINUTES OF THE TRAFFIC MANAGEMENT WORKING PARTY HELD ON 22 FEBRUARY 2022

RESOLVED:

That the minutes of the Traffic Management Working Party held on 22 February 2022 be received and noted.

P554. NEIGHBOURHOOD DEVELOPMENT PLAN (NDP)

- i. NDP Reg 14 update

Councillor Howells provided an update on the NDP Reg 14, he advised that the consultation is underway with a consultation end date of

Saturday, 19 March 2022. He advised that the consultation end date had been extended to allow for two additional consultation dates.

RESOLVED:

1. That the minutes of the meeting of the Neighbourhood Development Plan Working Party held on 11 January 2022 be received and noted.
2. That the notes of the Steering Group meeting No. 62 be received and noted.

P555 DRAFT ENVIRONMENT BUILDING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT – Consultation

Members agreed that it would be beneficial for Major Planning to look at this document and make a comment to then bring back to the Planning Committee.

RESOLVED:

1. That the Draft Environment Building Standards Supplementary Planning document be received and noted.
2. That the Clerk add this document to the next Major Planning meeting.

P556 PLATFORM HOUSING – REQUEST TO INVITE REPRESENTATIVE TO A FUTURE MEETING

RESOLVED:

That a representative of Platform Housing be invited to attend a future meeting of the Planning Committee subject to the Clerk clarifying with Councillor Bradford the issues to be discussed.

P557 TRAFFIC CALMING GATES – PARKWAY

The Clerk and Councillor Howells advised that they had visited Parkway on 10 March 2022 and gave members an update on their findings. The Clerk now needed to provide the photographs and locations to Herefordshire Council for consideration of an assessment and design process.

Whilst they were out they also considered the possible location for gates on Ross Road at the Welcome to Ledbury sign. Councillor Howells stated that he believed the calming gates would be an effective way to get a 40mph speed limit on the Ross Road instead of the 50mph.

Member of the public left the meeting at 8:10pm

RESOLVED:

That the Clerk forward the photographs and findings to Herefordshire Highways for consideration of an assessment and design process.

P558 TOWNS MAINTENANCE FUND

The Clerk advised members of the Planning Committee of funding that was being made available to the market towns by Herefordshire Council in respect of public realm projects. She advised that this was in addition to Herefordshire Council's planned programme of public realm projects and that Ledbury Town Council were being consulted and what works this money could be spent on.

The Clerk had provided a list of suggestions that had been put together by Herefordshire Council as well as some additional suggestions within her report.

RESOLVED:

- 1. That the Clerk submit the list provided by Herefordshire Council and the suggestions within the report to full council for consideration.**
- 2. That the Grant Funding Working Party consider other potential projects for recommendation to Full Council .**

P559 DATE OF NEXT MEETING

RESOLVED:

It was noted that the next meeting of the Planning Committee was scheduled for 14 April 2022 at 7:00pm

The meeting ended at 8:28pm.

Signed Dated
(Chair)

POSTPONED

ACTION SHEET

PLANNING COMMITTEE 10.03.2022

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
P550 (1)	That the Clerk follow up the email to Carl Brace via Kelly Gibbons in respect of the council's concerns in relation to the Barratts application.	TC			In Progress
P550 (2)	That Councillors Bannister and Howells provide a draft copy of the response to the Local Plan Spatial Options Consultation no later than the end of business Wednesday, 23 March 2022 so that this can be included in the Full Council agenda for the meeting scheduled for 31 March 2022.	JB & PH		23/03/2022	In Progress
P552 (2)	That 11 March and 8 April 2021 be merged as these relate to the same planning applications on Action Plan	Admin			In Progress
P555 (2)	That the Clerk add Draft Environment Building Standards Supplementary Planning document to the next Major Planning meeting.	TC	Apr-22		In Progress
P556	That a representative of Platform Housing be invited to attend a future meeting of the Planning Committee subject to the Clerk clarifying with Councillor Bradford the issues to be discussed.	TC	Apr-22		In Progress
P557	That the Clerk forward the photographs and findings to Herefordshire Highways for consideration of an assessment and design process.	TC	23/02/2022		In Progress

P558 (1)	That the Clerk submit the list provided by Herefordshire Council and the suggestions within the report to full council for consideration.	TC		31/03/1933		Completed
P558 (2)	That the Grant Funding Working Party consider other potential projects for recommendation to full Council.	Grants		Apr-22		In Progress

POSTPONED

Agenda Item 11

LEDBURY TOWN COUNCIL

MINUTES OF AN ENVIRONMENT & LEISURE COMMITTEE MEETING HELD ON 17 MARCH 2022

PRESENT: Councillors Bradford, Eakin, Knight (Chair), Sinclair and Whattler

ALSO PRESENT: Julia Lawrence – Deputy Clerk

E237 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chowdhury and Morris.

E238 THE NOLAN PRINCIPLES

The Nolan Principles were received and noted.

E239 DECLARATION OF INTEREST

RESOLVED:

None received.

E240 PUBLIC PARTICIPATION TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)

That the Chair asked Members of the Committee if they would agree to bring Item No. 12 forward. This was proposed by Councillor Eakin and seconded by Councillor Knight.

E241 MEMORIAL PLAQUE FOR 'BEN'

Members of the Committee read an email that had been received from Hazel Webster of Ledbury Carers Group requesting that Ledbury Town Council give consideration to a plaque being erected on one of the benches outside of the Market House in memory of 'Ben' who was described as a "unique colourful character in the town, who walked around the town centre daily, stopping for a rest on the bench at the Market House".

Councillor Bradford advised members of the public who were present that the benches around the Market House did not belong to Ledbury Town Council and advised Hazel Webster to make contact with Councillor Liz Harvey who was the Ward Member for Ledbury North/Herefordshire Council, in order that Councillor Harvey could give consideration to this request. Members requested that the Deputy Clerk write to Hazel Webster and forward on Councillor Harvey's contact details.

Councillor Whattler suggested that they might like to consider a bench at Ledbury Cemetery but it was noted that Ben spent her time by the Market House and hence why this was the preferred location.

RESOLVED:

That the Deputy Clerk is requested to contact Councillor Liz Harvey and advise her that Hazel Webster would be making contact with her direct as regards the request for a memorial plaque for Ben.

E242 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 20 JANUARY 2022

Councillor Whattler made reference to Minute No. E224 stating that whilst he considered it was not appropriate to plant trees in the ground, he had no objection to trees being planted in pots.

RESOLVED:

That the minutes of an Environment & Leisure Committee held on 20 January 2022 be approved and signed as a correct record subject to the amendment noted above.

E243 TO REVIEW ACTION SHEETS

E223(1) – Councillor Whattler questioned why the “Explorer Play dome” had not been put forward as an alternative piece of children’s play equipment. The Deputy Clerk advised that this particular piece of equipment had been presented by another company which had not been selected at the last Environmental & Leisure Committee Meeting. However, the Deputy Clerk advised that further discussion on the children’s play area was to be covered in a further report at the meeting (Agenda Item No. 8.3).

E224 – Members of the Committee are to note that further information was requested from Councillor Liz Harvey in respect of the blossom trees in Ledbury High Street.

E23(1) – Members of the Committee requested that the Deputy Clerk set up a meeting between representatives from Balfour Beatty and Ledbury Town Councillors to establish a suitable location for a new bike rack in Ledbury town centre.

RESOLVED:

- 1 That Councillors received and noted the contents of the report.**
- 2 That the Deputy Clerk arrange a meeting between Balfour Beatty and Ledbury Town Councillors to establish a suitable location for a new bike rack in Ledbury town centre**

E244 CEMETERY

RESOLVED:

- 1 That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial 712 and 714 to be signed, granting the exclusive right of burial to those named on the interment form.
- 2 That in accordance with Standing Order 23(a), authority be given for the Deeds of Exclusive Right of Burial 642 to be signed, granting the transfer of the exclusive right of burial to those named on each transfer request.

E245 RECREATION GROUND

1 Outdoor Gym Equipment

Members of the Environmental & Leisure Committee agreed to the purchase of replacement legs for the Sealed Leg Press at £770.00, excluding VAT, together with the purchase of a rubber handle for the Double Cross Country Skier at £8.50, excluding VAT.

Councillor Whattler suggested that good locking nuts should be provided for the replacement legs to prevent these new parts being stolen.

2 Future of the Shelter

Councillor Bradford stated that he was under the impression that the future of the Shelter had already been determined at a previous meeting. The Deputy Clerk reminded members of the Environmental & Leisure Committee that measures were to be put in place first, such as improved lighting, clearance of vegetation and undergrowth and improved CCTV, to see if this made a difference. These measures had now been implemented. Councillor Knight made reference to a recent meeting that he and the Clerk had had with the Police. The Police confirmed that they would now be using different "policing methods" and did not see it essential for the Shelter to be removed now that we were coming into the Spring. Councillor Eakin believed that despite this, we could, nevertheless face the same issues next Winter.

Councillor Bradford reported that he had been speaking with a Youth Worker who confirmed that the youth were in favour of the alternative option put forward, being to move the Shelter further up on the grass area but facing towards Bye Street. Members of the Committee felt that moving the Shelter so that it was facing Bye Street was not appropriate as it would not be covered by CCTV.

Councillor Sinclair said that the Shelter did not need to stand on a hard standing surface whereas Councillor Whattler stated that standing the Shelter on just grass would not be appropriate especially when trying to

clear up the broken glass bottles, needles and any other rubbish that has been deposited by the youths and in some instances had been stamped into the grass. As it is easier to sweep up from a hard service, it was decided that paving slabs would be appropriate.

Members of the Environment & Leisure Committee agreed that the Shelter should, in the interim, be moved to the new location but should remain facing in the same direction. The Shelter would not be moved 180 degrees, i.e. facing Bye Street until appropriate CCTV was in position and in operation. It was noted that a new contractor needed to be sought to move the Shelter since the original provider was no longer in business.

3 Children's Play Equipment

Councillor Whattler considered that the two options put forward for the new piece of children's play equipment were not exciting enough as compared to the Explorer Dome piece of equipment that had been presented at the meeting on 20 January 2022. The Deputy Clerk advised Members of the meeting that the Explorer Dome had been put forward by another company, which had not been selected.

The Deputy Clerk advised Members of the Environment & Leisure Committee that she would be undertaking a consultation with both Ledbury and Eastnor Primary Schools and John Masefield Secondary School to gauge what the children would like to see at the recreational ground. Councillor Whattler asked for the Explorer Dome style of equipment to also be put forward as an alternative option and the Deputy Clerk agreed to do so. The Deputy Clerk reminded Members that the Explorer Dome was considerably more expensive than the other two pieces of equipment being considered and Councillor Whattler suggested that it may be appropriate to ascertain what the overall consensus was for this new piece of equipment but for it to be installed in the following financial year 2023/24 in order that funding could be used in the forthcoming financial year 2022/23 to make improvements to the skate park. Members of the Environment & Leisure Committee were all in favour of this proposal.

RESOLVED:

- 1 That Members of the Environment & Leisure Committee received and noted the contents of the report.**
- 2 That Members of the Environment & Leisure Committee request that the Deputy Clerk arranges for the supply and installation of the missing legs for the seated leg press and providing a rubber handle for the double cross country skier at a total cost of £778.50 plus VAT.**

- 3 That Members of the Environment & Leisure Committee agree to the Shelter being moved to the location as detailed in Appendix C (Item No. 8.2), facing in the same direction as its current location. The Shelter will then only be moved 180 degrees (when it would be facing Bye Street) once new CCTV has been installed and is in operation.
- 4 That Members of the Environment & Leisure Committee noted that a consultation would take place with Ledbury and Eastnor Primary Schools and John Masefield Secondary School to gauge a preference on which piece of children's play equipment was preferred and the Deputy Clerk will report back to the Environment & Leisure Committee at a future meeting.

E246 RECREATION GROUND – SKATE PARK

Members of the Environment & Leisure Committee discussed the skate park, noting that certain aspects of the equipment was not safe. Councillor Bradford stated that he had spoken with a youth worker who queried the distances between ramps if using a bike. Members considered two options put forward. Option One: to undertake priority maintenance/riding surface replacement on the equipment (Item No. 8, Appendix A) or Option Two: to provide new equipment (Item No. 9, Appendix A).

Members of the Environment & Leisure Committee were all in favour of Option Two. Councillor Sinclair requested that the Deputy Clerk seek further clarification relating to the installation costs shown on the Company's quotations as there was a significant difference. Option One amounted to £20,095.00 [3 x site operatives and being on site for 12 days] whereas Option Two amounted to £5,000.00 [2 x site operatives and being on site for 5 days]. Members requested that the Deputy Clerk obtain details from the contractor and report back at the next meeting.

The Deputy Clerk advised Members that the quotation did not allow for any new tarmac surface underneath the existing pieces of equipment once they are moved to their new positions. A ball park figure for the resurfacing could well be in the region of £5,000.00 to £6,000.00 but until the equipment is removed, it is difficult to ascertain how much resurfacing will be necessary, if any.

RESOLVED:

- 1 That Members of the Environment & Leisure Committee agreed to proceed with Option Two in principle, subject to receiving further clarification on the installation costs noted in the quotations attached. The Deputy Clerk is to bring back further details to the next meeting.

E247 CLIMATE CHANGE WORKING PARTY COMPLAINT

Members of the Environment & Leisure Committee discussed the letter of complaint that had been received from the Chair of the Climate Change Working Party. Members considered that there were insufficient Councillors within Ledbury Town Council who had any real interest in climate change and suggested that the Chair of the Working Party may wish to encourage other members of the public to become Councillors who had an interest in this subject matter and who would be committed.

The Deputy Clerk reminded Members that Ledbury Town Council had signed up to a Climate Emergency Declaration. Unfortunately a couple of the Members present confirmed that they were not aware of this Declaration nor indeed that it had been approved.

The Deputy Clerk further stated that when the Working Party had put forward suggestions and ideas to the Environment & Leisure Committee when these ideas were not to be pursued, insufficient detail had been fed back to the Working Party. Therefore, Members of the Environment & Leisure Committee agreed to give more detailed responses to requests in the future.

RESOLVED:

- 1 That the Deputy Clerk is to contact the Chair of the Climate Change Working Party to put forward a suggestion to encourage members of the public to become Councillors, and particularly with those who have an interest in climate change.
- 2 That Members of the Environment & Leisure Committee agree to provide detailed responses to any requests put forward, with immediate effect.

E248 OCTOBER FAIR 2022

Members of the Environment & Leisure Committee discussed whether the October Fair 2022 should be allowed to open the Fair an hour earlier on both days which would result in the various roads having to be closed also an hour earlier.

Councillor Bradford recommended that Ledbury Town Council should talk to the traders first to gain their views whereas Councillor Sinclair believed that if they were trading for an extra hour each day, then Ledbury Town Council should expect to receive a 17% uplift on the current charge received from the Fair and that this needed to be explored and agreed first before making a decision.

Councillor Whattler considered that if the roads were closed an hour earlier at 3.00pm, this would have an impact on the school run as parents would not be able to drive through Town. On reflection, for this reason, Members of the Environment & Leisure Committee agreed that the hours of the Fair would

remain the same as last year: roads close at 4.00pm with the Fair starting at 5.00pm until 10.00pm.

RESOLVED:

- 1 That Members of the Environment & Leisure Committee agreed for the hours of the Fair to remain unchanged. Therefore, hours of the Fair will be 5.00pm until 10.00pm but closing the various roads at 4.00pm each evening.

E249 CHRISTMAS LIGHTS

Members of the Committee discussed the options that had been put forward by the Town Clerk noting that there were two options on the table to consider. However, Members of the Environment & Leisure Committee asked to see sight of a revised contract which listed all the lights now being proposed so to ensure that nothing had been omitted. Councillor Bradford made reference to the lack of lights down New Street as compared to previous years and the Deputy Clerk re-confirmed that there would be 3 vertical lights installed on lamp posts along the Southend. Councillor Sinclair requested that the Clerk provide an up to date list of what is to be included at Christmas 2022 and resubmit.

RESOLVED:

That the Clerk provide a full summary of all Christmas lights to be installed in November 2022 to Members of the Environment & Leisure Committee in order that they can then decide what option to select.

E250 CORPORATE PLAN

Members of the Environment & Leisure Committee noted the contents of the Corporate Plan. Councillor Sinclair requested that "B8 – Reduce carbon footprint" be moved to the priority list.

RESOLVED:

- 1 That the Corporate Plan be received and noted.
- 2 That "B8 – Reduce carbon footprint" be moved under the priority list.

E251 WORKING PARTIES

- 1 TO RECEIVE AND NOTE THE MINUTES OF THE MEETINGS OF THE EVENTS WORKING PARTY HELD ON THURSDAY, 13 JANUARY 2022, THURSDAY, 27 JANUARY 2022 AND THURSDAY, 17 FEBRUARY 2022 AND CONSIDER ANY RECOMMENDATIONS THEREIN.
- 2 TO RECEIVE AND NOTE THE MINUTES OF THE MEETING OF THE

CLIMATE CHANGE WORKING PARTY HELD ON 6 DECEMBER 2021 AND MONDAY, 7 FEBRUARY 2022 AND CONSIDER ANY RECOMMENDATIONS THEREIN.

Members of the Committee referred to the high visibility jackets (Item No. CC47) stating that they did not consider the wording "LTC for the Community" necessary. However, the Deputy Clerk advised that these jackets were being funded through the Welcome Back Fund.

RESOLVED:

- 1 That minutes of the meetings of the Events Working Party held on 13 January 2022, 27 January 2022 and 17 February 2022 be approved and signed as a correct record of the minutes.**
- 2 That minutes of the meeting of the Climate Change Working Party held on 7 February be approved and signed as a correct record of the minutes.**

E252 DATE OF NEXT MEETING

That the date of the next meeting is to be agreed at the Annual Meeting of Council scheduled for Thursday, 12 May 2022.

E253 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That in accordance with Section 1(2) of the Public Bodies Admission to Meetings Act 1978, in view of the confidential nature of the 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.

E254 RECREATIONAL GROUND – CCTV

Members of the Committee noted that variations to the CCTV quotations were in the process of being received to accommodate the area near the basketball court and that these would then be shared with Herefordshire Council's Monitoring Centre to ensure that the equipment would be compatible.

However, due to the changes proposed for the revised location of the Shelter, the Deputy Clerk advised that a further revision to the existing quotations would be required so to ensure that once the Shelter was in its new position, that appropriate CCTV was in place to cover the Shelter. The proposed new CCTV would now also be located at the Bye Street end of the recreational park, looking inwards towards the skate park. Members of the Committee needed to note that this particular parcel of land may not be in the ownership of Ledbury Town Council so this too is also being investigated.

RESOLVED:

- 1 That members received and noted the report.
- 2 That the Deputy Clerk will bring back further proposals of a new CCTV system to the next Environment & Leisure Committee meeting.

The meeting ended at 8.30pm.

Signed Dated
(Chair)

POSTPONED

POSTPONED

ENVIRONMENT AND LEISURE COMMITTEE
ACTION SHEET - [Date TBC 2022]

Minute No.	Action	To be Actioned by	Date to be actioned by	Comments	Status
E241	The Deputy Clerk is to contact Councillor Liz Harvey and advise her that Hazel Webster would be making contact with her direct as regards the requirement for a memorial plaque for 'Ben'.	DC	25.03.22		In Progress
E243 (2)	The Deputy Clerk is to arrange a meeting between Balfour Beatty and Ledbury Town Councils to establish a suitable location for a new bike rack in Ledbury town centre	DC	31.03.22	The DC has contacted BBLP and is waiting for dates when a meeting can take place.	In Progress
E245 (2)	The Deputy Clerk is to arrange for the supply and installation of the missing legs for the seated leg press and providing a rubber handle for the double cross country skier at a total cost of £778.50 plus VAT.	DC	31.03.22	This needs to be ratified at Full Council before an order can be placed with the company.	In Progress
E245 (3)	That Members of the Environment & Leisure Committee agree to the Shelter being moved to the location as detailed in Appendix C (Item No. 8.2), facing in the same direction as its current location. The Shelter will then only be moved 180 degrees (when it would be facing Bye Street) once new CCTV has been installed and is in operation.	DC	End May	DC needs to find a new contractor to move the Shelter as the original supplier has gone out of business. If the paving stones are to be utilised from around the War Memorial, then moving the Shelter will be subject to when works at the War Memorial take place. Likewise, arranging for the CCTV to be re-positioned to the interim location has yet to be arranged.	In Progress
E245 (4)	Deputy Clerk will report back to the Environment & Leisure Committee at a future meeting with findings from a consultation with Ledbury and Eastnor Primary Schools and John Masefield Secondary School to gauge a preference on which piece of children's play equipment is preferred.	DC	End May	DC to bring results of consultation to the next E & L meeting, once the date has been set.	In Progress

E246	Skate Park - Option Two was chosen in principle, subject to receiving further clarification on the installation costs noted in the quotations received. The Deputy Clerk is to bring back further details to the next meeting.	DC	05.04.22	The DC has contacted the company requesting a further breakdown relating to the installation costs.	In Progress
E247 (1)	The Deputy Clerk is to contact the Chair of the Climate Change Working Party to put forward a suggestion to encourage members of the public to become Councillors, and particularly with those who have an interest in climate change.	DC/TC	31.03.22	DC to liaise with TC regarding an appropriate response to the Chair of the Climate Change Working Party	In Progress
E249	That the Clerk provide a full summary of all the lights to be installed in November 2022 and provide this summary to members of the E & L Committee.	TC	End May	Details to be brought back to the next E & L meeting, once the date has been finalised.	In Progress
E254 (2)	The Deputy Clerk to bring back further proposals for a new CCTV system to the next Environment & Leisure Committee meeting.	TC	End May	Details to be brought back to the next E & L meeting, once the date has been finalised. Details will now incorporate CCTV from Bye Street looking inwards towards the Skate Park to accommodate the change in location of the Shelter	In Progress

LEDBURY TOWN COUNCIL

**MINUTES OF A MEETING OF THE RECONVENED RESOURCES COMMITTEE
HELD ON 21 MARCH 2022**

PRESENT: Councillors Eakin, Howells (Chair), Knight (Substitute) and Troy (Substitute)

ALSO PRESENT: Angela Price - Town Clerk

R149. ELECTION OF TEMPORARY CHAIRMAN

In the absence of Councillor Manns or Howells, Councillor Eakin was nominated to act as Chair until the Councillor Howells arrived (who took over at 7.05 apologising for being delayed by Herefordshire Council meetings).

R150. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bannister, Chowns, Hughes and Manns.

R151. DECLARATIONS OF INTEREST

No declarations of interest were received.

R152. NOLAN PRINCIPLES

RESOLVED

That the Nolan Principles be received and noted.

**R153. TO APPROVE AS A CORRECT RECORD THE MINUTES OF
MEETINGS OF THE RESOURCES COMMITTEE HELD ON 6 AND 19
JANUARY 2022**

RESOLVED:

That the minutes of the meetings of the Resources Committee held on 6 and 19 January 2022 be approved and signed as a correct record.

R154. **DATE OF NEXT MEETING**

RESOLVED:

1. **To note that the date of the next meeting of the Resources Committee is scheduled for 5 May 2022.**

R155. **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 the business about to be transacted, in the public interest the press and public were excluded from the remainder of the meeting.

R156. **REVIEW OF POST HOLDER 50**

Members were requested to give consideration to a report provided by Post Holder 50 and the supporting report from the Clerk in respect of the review of the post holder. The purpose of the review was to consider whether the post holder should be offered a permanent, full-time position in their current role.

Members were satisfied that the post holder had met the demands of the Council in the role and that they should be offered a permanent position within the council, noting that a temporary member of staff had been recruited to fill the position whilst post holder 50 was on maternity leave.

RECOMMENDATION:

1. **That Post Holder 50 be offered a permanent position in their current role within the council, noting that a temporary member of staff had been recruited to fill the position whilst post holder 50 was on maternity leave.**
2. **That Post Holder 56, who had been employed to back fill the administration post previously held by post holder 50, be offered a full-time, permanent position with Ledbury Town Council.**

R157. **OPERATIONAL REQUIREMENTS**

Members were provided with a report on the issues being experienced by all office staff, in respect of the current workload, in particular the Clerk and the additional hours required to ensure that deadlines and statutory requirements are met.

As part of the report the Clerk had provided information on the additional hours being worked, along with a breakdown of what work streams had been undertaken during the past three weeks. Members expressed concern that they have a duty of care to all their staff which was not currently being met.

The Clerk advised that the resignation of post holder 48 meant that the amount of admin support to officers would be reduced until such time as a new member of staff could be recruited and trained up, which would undoubtedly impact on the workload of senior officers.

During discussion on how the workload of senior officers and admin staff could be reduced it was suggested that one way to help would be to adjust the job description of the Receptionist/Administrator to include minute taking and agenda preparation. The Clerk advised that currently post holder 56 is responsible for the transcribing of all minutes and helping with the preparation and despatch of agendas. Due to the amount of Standing Committees and Working Parties this takes up about 75% of the administrator's time and thus impacts on the support that can be offered to senior officers. If the minutes and agenda preparation were shared between the administrator and Receptionists/administrator, the Clerk believes this would be beneficial.

The Clerk also advised that Councillors need to be mindful that when events are being held currently it is usually 2/3 members of staff that make themselves available with the occasional Councillor making themselves available. It would be helpful if councillors could provide support at events, and this in turn would reduce the need for all staff to be present and thus help reduce the overtime bill.

RECOMMENDED:

1. That the Clerk be authorised to advertise the vacancy for a Receptionist/Administrator, subject to the above amendment being made to the job description.
2. That the Clerk be authorised to advertise the vacancy for a Town Cleaner/Maintenance Operative.
3. That the Council's current TOIL Policy be suspended in respect of the Town Clerk, until the matter can be discussed further at Full Council.
4. The Clerk review her workload with a view to agreeing with Councillors what is urgent and what is not.
5. That in the interim the Clerk be paid for additional hours worked until the matter can be discussed further at Full Council.

6. That Councillor Howells, in the absence of the Mayor due to ill health, draft an email on behalf of himself and the Mayor to all Councillors for approval by members of the Resources Committee via email prior to sending, advising them of the current workload of staff and asking them to be aware that new initiatives proposed may not be deliverable in the short term, and to request more Councillor support for events such as the upcoming Jobs Fair and Community Day to relieve staff pressure and keep overtime payments down.

The meeting ended at 20.15 pm.

Signed Dated

POSTPONED

Notes of Ledbury Town Council Parish zoom Meeting 09-03-2022

Subject: 132/32 Bus Service withdrawals

Chair: Councillor Phillip Howells

The meeting was well attended with important representatives of Stagecoach West, Herefordshire Council, Ledbury, Newent and Ross Town Councils, Newent Community Transport and the travelling public.

The salient points were:

- 1 Bus companies, especially large corporate ones will increasingly act commercially and often ruthlessly with regard to bus service withdrawals.
- 2 Local Transport Authorities have not the finances to support replacement services upon withdrawal of a local service. They are also hampered by the constraints of the 1986 Bus Deregulation Act.
- 3 Central government can no longer be trusted or relied on to support public transport, especially in rural areas.
- 4 This scenario points to the fact that if replacement services are considered necessary, it will increasingly fall to the communities to provide them.
- 5 Newent Community Transport already provide some public services. However, it was emphasised that financial support is still required, albeit on a smaller scale than perhaps that required by a large bus operator.
- 6 Extensions of existing and the creation of new Community Transport Organisations (CT) was seen as perhaps the only way forward to providing rural services in the future.
- 7 It was agreed that a working party be set up between the three town councils of Ledbury, Newent and Ross together with invitations to those parishes most affected by the 132/32 withdrawal, e.g. Dymock, Gorsley.

My own comments, having listened to the participants in the meeting, are that any working party into community transport (CT) schemes will need to:

- A Identify demand, specific transport needs and passenger flows.
- B Consider whether or not an individual CT can cover a Ledbury-Newent-Ross type network or each town sets up its own CT scheme which would coordinate with each other to provide a network and link into any remaining conventional bus and rail services. Individual town CT schemes are favoured as there are likely to be further instances of bus service withdrawals which could lead to a Ledbury CT scheme having to take in services to catchment villages such as Bosbury, Cradley, Marcle and Putley.

POSTPONED

This would be in conjunction with a much-needed town service for existing and future housing estates, together with employment areas. It is appalling that in Ledbury, existing estates such as Deer Park and New Mills have a poor two hourly infrequent bus service.

C Establish a robust CT management structure.

D Identify means of finance, both capital and revenue outside of the normal Local Transport Authority channels. A number of sources of finance were mentioned during the meeting.

It will be worthwhile having a look at the West Oxfordshire Community Transport Scheme as a model. www.woct.org.uk

Also I note that Mr David Redgwell indicated he had experience of similar CT schemes in Somerset.

GCD (RBfH and HSTG)
10-03-2022

POSTPONED

POSTPONED

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 16
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Report prepared by Angela Price – Town Clerk

NOMINATION OF TWO COUNCILLORS TO REPRESENT LEDBURY TOWN COUNCIL AT PARISH SUMMIT MEETINGS HOSTED BY HEREFORDSHIRE COUNCIL

Purpose of Report

The purpose of this report is to ask Councillors to nominate two Members to attend Parish Summit meetings which are hosted by Herefordshire Council.

Detailed Information

Over the past months Herefordshire Council have held a number of parish summit meetings via zoom. Notification of these meetings has been provided to the Clerk and these have been forwarded to Councillors to register if they are able/wishing to attend. The Clerk has attended all but one of these meetings and on each occasion no Ledbury Town Councillors have been present. The Clerk attends the meetings as they are informative, but also because Councillors are not advising that they will be attending and therefore the Clerk attends to ensure Ledbury Town Council is represented at the meetings.

The information provided at the Parish Summit's is informative and is often relevant to issues that councillors are asked about by local residents.

Recommendation

That Councillors nominate two Councillors to attend future Parish Summit meetings.

POSTPONED



Directorate/Division: Finance, Legal and Democratic Services
 Team:
 Please ask for: Caroline Marshall
 Direct line: 01432 260249
 Email: councillorservices@herefordshire.gov.uk
 Date: 9 February 2022

All councillors within Herefordshire

Dear Sirs

New Model Code of Conduct and arrangements for dealing with code of conduct complaints against councillors

In January 2019, the Committee on Standards in Public Life published a report on local government ethical standards. This called on the Local Government Association (LGA) to create a model code of conduct to enhance the consistency and quality of local authority codes, and ensure issues such as bullying and harassment were covered.

A revised standards procedure to investigate code of conduct complaints has also been issued.

These two documents can be found here –

[LGA Model Councillor Code of Conduct 2020 | Local Government Association](#)
[Guidance on Member Model Code of Conduct Complaints Handling | LGA](#)

Herefordshire Council are consulting with all its councillors with regard to the adoption of the model code of conduct and arrangements for Herefordshire Council from May 2022.

As a town or parish council you do not have to adopt the same code as Herefordshire council though I know many of you do. The arrangements however will apply to you all.

It is very difficult to identify all of the changes as they are completely different documents to what we currently have however the 3 issues which are clearly different are as follows;

- No requirement to declare membership of a body that is not open to the public without formal membership
- Gift and hospitality limit increase to £50 from £25
- No appeal from a monitoring officer decision that a breach of the code has or has not occurred.

I would be very keen to hear your views on these two new documents and send any comments to Councillor Services (email: councillorservices@herefordshire.gov.uk) by 25 March 2022.

Yours faithfully

C Ward

CLAIRE WARD
DIRECTOR OF LAW AND GOVERNANCE

POSTPONED

Local Government Association
Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority; or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as an elected member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at one-to-one or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

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.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

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

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

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

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

POSTPONED

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interest of the majority of inhabitants of the ward affected by the decision and
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest' you do not have to disclose the nature of the interest.

10. [Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner and a person with whom the

POSTPONED

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where—</p> <p>(i) the landlord is the council; and</p> <p>(ii) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards of investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Guidance on Member Model Code of Conduct Complaints Handling



This guidance, together with the guidance prepared for councillors to help them understand and follow the revised Local Government Association (LGA) Model Councillor Code of Conduct (2020), has been prepared in response to requests received by the LGA as part of our consultation in 2020 on the LGA Model Councillor Code of Conduct. It is designed to assist monitoring officers and anyone nominated by a monitoring officer to carry out investigations on their behalf and to assist councillors in understanding the process. Local authorities may have different practices and arrangements in place. However, the principles of fairness, proportionality, transparency and impartiality will still apply.

21 Sep 2021

1. Introduction

It is vital that the public has confidence in the high standards of local government, and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Codes of Conduct. Equally, it is vital that councillors themselves have confidence in these mechanisms, and that investigations into such complaints abide by the principles of natural justice.

Any reference in this guidance to 'you' is a reference to a monitoring officer, a deputy monitoring officer, or any person nominated by them to carry out their functions. Furthermore, any reference to the 'subject member' is a reference to the councillor who is the subject of the allegation and references to an Independent Person means an Independent Person appointed under s. 28(7) of the Localism Act 2011.

Under the Model Code of Conduct, councillors are required to cooperate with any Code of Conduct investigation and respect the impartiality of officers. This is in recognition of the key role monitoring officers have in ensuring what might be contentious and difficult issues are handled fairly. This guidance is to support them in carrying out their duties.

The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities must have a Code of Conduct for councillors, which must be consistent with the "Seven Principles of Public Life": selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations that an elected or co-opted councillor of the authority or of a town or parish council within the principal authority's area has failed to comply with the authority's Code of Conduct can be considered and decisions made on such allegations. It is for the principal authority to decide the details of those arrangements, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that they have decided to investigate.

This guidance is for guidance purposes only and where it differs from the authority's own arrangements under the Localism Act then the authority's arrangements should be followed.

s28 (6) 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.

(7) 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—

(a) 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, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

The case of *R (Harvey) v Ledbury Town Council 2018* (*R Taylor v Honiton TC*) made clear that allegations of a failure to follow an authority's Code of Conduct can only be considered in accordance with the principal authority's standards arrangements. Though the conduct complained of may give rise to a staff grievance, for example, the subject member cannot receive a sanction outside of the standards arrangements.

Background

More than 100,000 people give their time as councillors. The majority do so with the very best motives, and they conduct themselves in a way that is beyond reproach. However, public perception tends to focus on a minority who in some way abuse their positions or behave badly. Even where behaviour does fall short most issues are resolved easily through a simple apology or through swift action from an officer, a political group or meeting chair. Reference to the Code of Conduct and a formal complaint are very much the last resort where issues remain unresolved.

Anyone who considers that a councillor may have breached the Code of Conduct may make a complaint to that councillor's local authority, usually via the principal authority's monitoring officer. Each complaint must be assessed to see if it falls within the authority's legal jurisdiction, for example whether the subject member was acting as a councillor or representative of the authority at the time. A decision must then be made on whether or not some action should be taken, either as an investigation or some other form of action.

When a matter is referred for investigation or other action, it does not mean that a decision has been made about the validity of the allegation. It simply means that the authority believes the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct and that some action should be taken in response to the complaint.

The process for dealing with Code of Conduct complaints must be fair and be seen to be fair.

2. Initial assessment of complaints

Responsibilities

The law does not specify how complaints are to be handled. However, in most authorities, initial assessment of complaints that a councillor may have breached the Code of Conduct is usually carried out by the authority's monitoring officer. In other authorities all complaints go to an assessment committee of councillors for consideration. This is a matter for local choice, but the authority should be satisfied that whatever assessment arrangements it adopts, the assessment can be carried out fairly, objectively and without undue delay.

Even where the matter is normally delegated to the monitoring officer, they may reserve the right to refer the matter to a committee of councillors, for example where the monitoring officer has a conflict of interest or the matter is particularly high-profile.

Whichever approach (or any other) is taken, it is important to have published criteria against which complaints can be assessed to aid transparency and consistency (see below).

Independent Persons (IPs) are people who are neither councillors nor officers of the authority but are appointed under Section 28 of the Localism Act 2011 to work with the authority to support them with Code of Conduct complaints and standards issues. Under the Localism Act their views must be sought and taken into account on any matter under investigation, the subject member may seek their views at any stage and the authority may also seek their views at any other stage of the process.

The Committee on Standards in Public Life has recommended that authorities should also seek the views of the IP when initially assessing a case as a further way of ensuring consistency and enhancing public confidence in the framework.

Pre-assessment

Publicising the complaints system

Local authorities, including parish and town councils, should publish information on their websites about the Code of Conduct, about what can and cannot be considered as a complaint, how to complain (including a standard complaints form if appropriate) and where Code of Conduct complaints should be sent to. They should also provide clear details of the procedures they will follow in relation to any written allegation received about a councillor.

Where a principal authority is responsible for handling complaints about its parish and town councillors, it should also make this clear.

The submission of complaints and accessibility

Local authorities should consider that some complainants will not know where to direct their complaint. Some complaints may also need to be considered through more than one of an authority's complaint processes.

Officers dealing with any incoming complaints to the authority will therefore need to be alert to a complaint that a councillor may have breached the Code. If a written complaint specifies or appears to specify that it is in relation to the Code, then it should be passed to the relevant person for consideration.

Local authorities may produce a complaint form which sets out all the information they expect to receive from a complainant. This can be helpful to both the authority and the complainant. However, authorities cannot compel complainants to use a complaint form.

If an authority does not have a complaint form, it should nevertheless give clear guidelines as to the information that complainants need to provide.

The required information may include:

- the complainant's name, address and other contact details;
- who the complainant is, for example, a member of the public, fellow councillor or officer;
- who the complaint is about and the authority or authorities that the councillor belongs to;
- details of the alleged misconduct including, where possible, dates, witness details and other supporting information;
- equality monitoring data if applicable, for example the nationality of the complainant.

The authority should also make it clear that only in exceptional circumstances would a complainant be granted confidentiality and that as a matter of fairness the complainant's identity would normally be disclosed to the subject member (see section below on confidentiality).

A complaint may arise from an expression of dissatisfaction or concern, which come about in a number of ways initially, including verbally. In such cases, the monitoring officer should ask the complainant whether they want to formally put the matter in writing. If the complainant does not, then the monitoring officer should consider the options for informal resolution to satisfy the complainant. If it is a significant complaint, which the complainant is unwilling to commit to writing (for example because they feel they are being bullied), the monitoring officer may wish to reassure the complainant about confidentiality and draft the complaint for agreement with the complainant.

Under the Localism Act, however, formal complaints must be submitted in writing. This include electronic submissions, though the requirement for complaints to be submitted in writing must be read in conjunction with the Equality Act 2010 and the duty to make adjustments. For example, a complainant may have a disability that prevents them from making their complaint in writing. In such cases, authorities may need to transcribe a verbal complaint and then produce a written copy for approval by the complainant or the complainant's representative.

Authorities should also consider what support should be made available to complainants.

Authorities should not normally allow anonymous complaints as that would be against the principles of transparency and fairness and make matters much more difficult to investigate. However, there may be exceptional compelling reasons why an anonymous complaint could be accepted without detriment to the process and where the allegation can be evidenced without reference to the complainant. For example, if an anonymous complainant submitted a video showing the councillor acting inappropriately or sent in documentation disclosing an undeclared directorship in a matter relating to local authority business, it may be considered that the public interest in investigating the allegation outweighed the issue of anonymity.

Please note that anonymity and confidentiality are different concepts. Anonymity means the complainant is not known whereas confidentiality means that the complainant is known to the authority but their identity has been withheld for a specific reason.

Complaints which identify criminal conduct or a breach of other regulations by any person may be referred to the police or any other relevant regulatory agency for consideration, in accordance with any agreed protocol. In such cases the authority, in agreement with the other body, should consider pausing the assessment of the complaint pending action by the other body.

Acknowledging receipt of a complaint

When a complaint is received by the local authority the relevant officer should acknowledge its receipt and set out the process to be taken to assess the complaint with an agreed timescale.

The authority may also notify the subject member that a complaint has been received and invite their comments on it within an agreed timescale. In deciding whether or not to notify the subject member they would need to weigh up different factors. For example, would telling the subject member risk that the complainant may be intimidated or evidence destroyed, or if the complaint seems to fall outside of the jurisdiction of the Code is there any need to hear from the councillor? However, the presumption would normally be to invite the subject member to comment as this can help the authority to decide whether a matter can be dealt with informally without the need for a formal investigation, for example.

If the authority does tell the subject member about the complaint, the relevant officer will need to be satisfied that they have the legal power to disclose the information they choose to reveal. Additionally, the impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) should be considered to ensure that any personal data is processed fairly and lawfully at every stage of the process. Reasonable expectations of privacy need to be balanced against the public interest.

Pre-assessment enquiries and reports

When the authority notifies the subject member that a complaint has been made about them, and seeks any relevant comments, the subject member should be given a short timeframe in which to submit their comments such as 10 working days from the date of the notification. In parish cases the principal authority may also notify the clerk and may ask for relevant factual information which would help in the assessment of the complaint.

In notifying the subject member it should be made clear that no judgment one way or the other has been made about whether the allegation is in fact true.

The authority may contact complainants for clarification of their complaint if they are unable to understand the document submitted.

The authority may also carry out preliminary enquiries, for example whether the member was in fact present at the meeting to which the complaint relates. However, such enquiries should be limited to readily-available public records so as not to extend to a more formal investigation.

In authorities where the assessment is carried out by a committee rather than an officer, they may decide that they want the monitoring officer, or other officer, to prepare a short summary of a complaint for the committee to consider. This could, for example, set out the following details:

- Whether the complaint is within jurisdiction;
- The paragraphs of the Code of Conduct the complaint might relate to, or the paragraphs the complainant has identified;
- A summary of key aspects of the complaint if it is lengthy or complex;
- Any further information that the officer has obtained to assist the committee with its decision, for example initial comments from the subject member, minutes of meetings or a copy of a councillor's entry in the register of interests. However, it should be noted that these pre-assessment enquiries should not be carried out in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant, or the subject member (although they may have been asked for initial comments) as that would be a matter for any formal investigation should the case proceed;
- The views of the Independent Person.

Assessment

Initial tests

The assessment of a complaint would normally be a two-step process, described by the Committee on Standards in Public Life as the 'can/should' stages – the first stage being 'can we deal with this complaint?' and the second being 'should we deal with this complaint?'.

The first step would be a jurisdictional test and would assess whether the complaint is:

- against one or more named councillors of the authority or of a parish or town council the authority is responsible for;
- the named councillor was in office at the time of the alleged conduct;
- the complaint relates to matters where the councillor was acting as a councillor or representative of the authority and it is not a private matter;
- the complaint, if proven, would be a breach of the Code under which the councillor was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint. If there is any doubt, however, the allegation should proceed to the second stage. For example, if it is unclear whether the councillor was acting 'in capacity' or not then the second stage of assessment criteria should be used.

Where a matter is being referred to a committee of councillors for assessment, we would expect the monitoring officer only to pass cases which have met the jurisdictional threshold.

Second-stage criteria

Once these jurisdictional tests have been met the authority should have further criteria against which it assesses complaints and decides what action, if any, to take. These criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member.

Assessing all complaints by established criteria will also protect the authority from accusations of bias. Assessment criteria can be reviewed and amended as necessary, but this should not be done during consideration of a matter.

In drawing up assessment criteria, authorities should bear in mind the importance of ensuring that complainants are confident that complaints about councillor conduct are taken seriously and dealt with appropriately. They should also consider that deciding to investigate a complaint or to take other action will cost both public money and the officers' and councillors' time. This is an important consideration where the matter is relatively minor.

The following non-exclusive factors may help an authority to develop local criteria:

1. Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?

2. Are there alternative, more appropriate, remedies that should be explored first?
3. Where the complaint is by one councillor against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression;
4. Is the complaint in the view of the authority malicious, politically motivated, or 'tit for tat'?
5. Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction (see guidance on hearings);
6. Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration;
7. Whether a substantially similar complaint has been submitted and accepted;
8. Does the complaint relate to conduct in the distant past? This would include consideration of any reason why there had been a delay in making the complaint;
9. Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting;
10. Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual? And
11. Is it about someone who is no longer a councillor or who is seriously ill?

Some of these criteria are inevitably subjective. For example, who decides if a complaint is trivial? The complainant may feel they have a genuine grievance even if to a third party it seems relatively minor.

Equally even if a complaint seems to be 'politically motivated' it may nevertheless be highlighting a potentially significant breach of the Code which could not be ignored.

Such criteria can therefore only ever be indicative, and authorities always need to take into account the public interest in taking further action on a complaint. Assessment criteria should be adopted which take this into account so that authorities can be seen to be treating all complaints in a fair and balanced way.

In assessing any case, an authority may want to consider the following questions in the context of local knowledge and experience:

Has the complainant submitted enough information to satisfy the authority that the complaint should be referred for investigation or other action?

If the answer is no, it should be made clear to the complainant that there is insufficient evidence to make a decision so unless, or until, further information is received, the authority will take no further action on the complaint. When doing so, the complainant

should be given a clear timeline to submit any further evidence or otherwise the file will be closed.

Is the complaint about someone who is no longer a councillor?

The councillor may have been a councillor at the time of the alleged misconduct but may have since ceased to be a councillor. The authority will need to consider whether it still has jurisdiction. If so, then the authority may not want to take any further action unless they believe the matter is so serious, and the councillor may return to the authority that it would still be in the public interest to pursue the matter. If they do pursue the matter the range of potential sanctions is inevitably more limited and may extend only to publication of the report and a formal censure.

If the councillor is still a member of another principal authority, the authority may wish to refer the complaint to that authority if it would also fall within their code of conduct.

If a councillor is still a member of a town or parish council within the principal authority's area, then the principal authority can still deal with the matter if it relates to matters at the town or parish council.

Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

Where a matter happened some time ago then the authority may decide that any further action would be unwarranted. For example, an investigation may be difficult as people's recollections may have faded. The authority may therefore wish to set a time limit for receiving complaints of say six months under normal circumstances. However, it should also be borne in mind that there may be a good reason why a complaint is 'late' – for example, victims of bullying or harassment may have needed time and courage before coming forward or been made aware of other incidents which has prompted them to make a complaint about things in the past.

Does the complaint appear to be trivial, malicious, politically motivated or tit-for-tat?

Where a complaint is rejected on these grounds the authority should be very clear about the reasons why and discourage politically motivated or tit-for-tat complaints in particular. It will, however, need to satisfy itself that, regardless of any alleged motive of the complainant, the complaint itself is not sufficiently serious to warrant any further action regardless of the motive. A complaint may appear on the face of it to be politically motivated, for example, because of the timing of its submission, but if it raises sufficiently serious matters it would nevertheless need to be considered fully.

The assessment criteria that the authority adopts should be made publicly available on its website.

Decision

Initial assessment decisions

Where the decision has been delegated to an officer, the authority should aim to complete their initial assessment of an allegation within 15 working days of receiving a complaint. Where they have asked the subject member for comment, they should allow them up to 10 working days to comment and then make the assessment normally within five working days of any comments being received.

Where the subject member has not commented, and the ten working days has elapsed (and they have not provided a reasonable excuse for the delay) the assessment should nevertheless be made within five working days after that.

Where an Independent Person is invited to give their views prior to assessment these should be done at least a day before the final deadline. Where the Independent Person meets in person with the officer to discuss the case, they should nevertheless record their views in writing for the record after the meeting.

Where the assessment is sent to a committee, the committee should be set up along similar timescales. Any inordinate delay in assessing cases can have a damaging effect on trust in the system and is unfair for both the complainant and subject member.

The authority may reach one of the three following decisions on an allegation:

- no further action should be taken on the allegation;
- the matter should be dealt with through a process of informal resolution in the first instance (see section on informal resolution) or;
- the matter should be referred for a formal investigation (see section on investigations).

Decision to take no action

The authority may decide that no further action is required in respect of a complaint based on its agreed criteria.

Where the authority reaches this decision it should be clear that, where an allegation may have disclosed a potential breach of the Code it has nevertheless made no finding of fact as it does not believe it is in the public interest to pursue the matter any further. Where it has been concluded that no potential breach of the Code of Conduct is disclosed by the complaint (for example because it is outside of jurisdiction), no further formal action can be taken by the authority in respect of it.

There should be no right of appeal against a decision not to take any further action if the system is to be efficient and proportionate.

Where the decision was taken by an officer, the monitoring officer may wish to report to the relevant committee periodically on cases in which there has been no further action taken. These cases should be reported confidentially with the aim of giving the committee a picture of issues within the authority and enabling it to assure itself that decisions made have been broadly reasonable in the whole. They are not there to re-open issues.

Referral for informal resolution

When the authority decides that they should seek to resolve the matter informally in the first instance they should refer to the separate guidance on informal resolution.

Referral for investigation

When the authority decides a matter should be referred for investigation it should refer to the separate guidance on investigations.

Notification of assessment decisions

If the authority decides to take no action over a complaint, then as soon as possible after making the decision they should notify the complainant and subject member of the decision and set out clearly the reasons for that decision, including the views of the independent person.

If the authority decides that the complaint should be referred for formal investigation or informal resolution, they should notify the complainant and subject member, stating what the allegation was and what further action is being taken.

In such cases the authority will need to decide whether or not to give the subject member a copy of the full complaint and whether the complainant, where they had been granted confidentiality, should remain confidential for the time being. In doing so they would need to decide whether doing so would be against the public interest or would prejudice any future investigation. This could happen where it is considered likely that the subject member may intimidate the complainant, or any witnesses involved. It could also happen where early disclosure of the complaint may lead to evidence being compromised or destroyed. If only one part of a complaint has been referred for action or the complaint is against more than one councillor then the authority may wish only to disclose the relevant parts of the complaint. Any decision to withhold information should be kept under review as circumstances change.

If the subject member is a parish or town councillor and the authority has decided to take some action with regard to the complaint, their parish or town council should also be notified via the clerk. In doing so the authority will need to consider whether any of the information is confidential.

A decision notice should be issued within one working day of the decision being made.

Independent Person

If the views of the Independent Person were sought, this should be made clear in the decision letter and state whether the Independent Person agreed with the decision or not. Where the Independent Person did not agree with the decision, the notification should explain how the authority took account of those views in reaching a different decision – for example in concluding that the matter was not in fact within the scope of the Code but was a private matter.

Other issues to consider

Assessments Committee

Where a committee is convened to assess an allegation, it is an ordinary committee of the authority if it is making the decision. This means it must reflect political proportionality unless that has been waived and it is subject to the notice and publicity requirements under Schedule 12A of the Local Government Act 1972.

However, while there should be a presumption that a hearing following an investigation would normally be held in public (see guidance on hearings) there will be a strong presumption towards an assessment being treated as exempt information. The meeting may have to consider unfounded and potentially damaging complaints about councillors, which it would not be appropriate to make public because of the risk of unfounded reputational damage or the potential risk of prejudicing any future investigation.

Nevertheless, as for any meeting dealing with exempt or confidential information a summary of the outcome would need to be published setting out the main points considered such as:

- the conclusions on the complaint;
- the reasons for the conclusion.

Assessments delegated to officers

Where an assessment decision has been delegated to an officer there is no legislative requirement for a decision notice to be published. Nevertheless, the authority should consider whether an assessment notice should be published in the public interest or not in the same way as they would if it were a committee decision.

What if the subject member is member of more than one authority?

There may be times when the same complaint is made against a member of more than one authority. For example, an allegation may allege that a councillor has failed to register an interest at both district and county level.

In such a case the two authorities should have an agreement about who would carry out the initial assessment (if necessary, under an agreed delegation) and any subsequent action. This avoids the risk of two different actions or conclusions being reached.

The matter would not arise where the councillor was on a town or parish council and also on the 'principal' district, unitary or metropolitan council as the principal authority is responsible for handling both complaints. It could however arise if the parish or town councillor were also on the county council in a two-tier area.

3. Informal resolution

When dealing with allegations, an authority can decide that some form of action other than investigation or 'informal resolution' is needed at a local level. The authority may also decide that informal resolution may be more appropriate than referring a matter to a hearing following completion of an investigation. Where the authority has delegated such a decision to the monitoring officer, we would expect the monitoring officer to seek the views of an Independent Person before taking such a course of action. Where the delegation is held by a committee, we would expect the committee to consult its monitoring officer and an Independent Person before reaching that decision. You may also consider seeking an informal resolution part way through an investigation rather than completing an investigation if it becomes clear the matter could be resolved amicably. Where informal resolution relates to a formal investigation you must seek the views of an Independent Person before halting or pausing the formal investigation.

Why seek an informal resolution?

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals. It should be borne in mind however that dealing with a matter by alternative resolution at the initial assessment stage is making no finding of fact as there has been no formal investigation, so you would need to balance the interest in resolving a matter quickly and satisfactorily against the interest in the complainant having their complaint upheld or the member's desire to clear their name.

Matters which you might consider appropriate for informal resolution may include:

- the same particular breach of the Code by many members, indicating poor understanding of the Code and the authority's procedures;
- a general breakdown of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the authority;
- misunderstanding of procedures or protocols;
- misleading, unclear or misunderstood advice from officers;
- lack of experience or training;
- interpersonal conflict;
- allegations and retaliatory allegations from the same members;
- allegations about how formal meetings are conducted;
- allegations that may be symptomatic of governance problems within the authority, which are more significant than the allegations in themselves.

When would informal resolution not be appropriate?

Complaints should not be referred for informal resolution when you believe an investigation is in the public interest, for example because of the seriousness of the allegations or because it demonstrates a pattern of behaviour. In addition, an allegation which challenges the councillor's honesty or integrity may be better dealt with as a formal investigation because of the potential reputational issues.

Similarly, an informal resolution is not intended to be a quick and easy means of dealing with matters which you consider to be too trivial or time-consuming to investigate. Genuinely trivial cases are better dealt with by a decision to take no action (see guidance on initial assessments). While an alternative resolution can be a cost-effective way of getting a matter resolved for individual cases, it is not a quick fix particularly where there are more systemic issues. It should not be seen as a routine or cheap way of disposing of an allegation, as it can sometimes be a drawn out, costly and time-consuming process.

You should also take care to avoid it appearing to the complainant that deciding to seek an alternative resolution is sweeping matters under the carpet. The decision should demonstrate to the complainant that their complaint is being addressed and being taken seriously, although perhaps as part of a wider issue.

Importantly, if a complaint merits being investigated, then it should be referred for investigation.

Who can be the subject of informal resolution?

Informal resolution could either be directed at the councillor who is the subject of the complaint, both the subject member and the complainant, or at the authority more generally.

For example, it may be a request that a councillor apologise for remarks made in the heat of the moment. Or you may decide that the authority's resources are better used trying to ensure that the subject member and complainant attempt some form of mediation or reconciliation, or it may be about wider issues for your authority that are raised by the case. For example, a relatively minor alleged infringement of the Code, by a councillor who is accused of misusing their authority's IT equipment, might

identify shortcomings in the authority's policy about councillors using that equipment. In such a case you might decide that the best way to deal with the allegation is to ask the authority to review the policy and make recommendations for improvement.

If you decide to seek an informal resolution when assessing a complaint, you should be clear that an investigation into that complaint will not take place provided you are satisfied that the party at whom the resolution is directed has acted in good faith in seeking to comply with it.

Who should you inform if seeking informal resolution?

If you believe a complaint can be dealt with through informal resolution you should consult with the Independent Person and you should inform the subject member and the complainant of your intention and give them the opportunity to comment before you make your final decision. However, you should simply be trying to assess how successful the resolution might be rather than giving them a veto. For example, a complainant may not be happy at receiving an apology as they may expect the matter to be fully investigated but you may nevertheless decide that an apology is reasonable and best use of resources in the circumstances.

When informal resolution has been completed you should notify:

- the subject member;
- the complainant;
- the relevant Independent Person;
- the relevant town or parish council if the subject member is a town or parish councillor.

In addition, you should report back to the standards committee or similar where you have one at the next available opportunity on the outcome of your actions. This would allow the committee to take a holistic view of whether informal resolution is being used appropriately and effectively in the round but should not be seen as an opportunity to re-open the case.

What sort of actions might form an alternative resolution?

Alternative resolution can take a wide range of forms. When considering an alternative resolution, you need to think if the complaint highlights specific issues. For example, if it is against a relatively new councillor, a councillor who has taken on a new role or to

do with relatively new procedures is there an issue about lack of understanding or training?

Training may be in anything you consider appropriate, such as:

- the Code of Conduct
- authority procedures and protocols
- chairing skills
- working with external bodies
- wider governance issues
- planning and licensing
- working with officers
- use of authority resources.

Where the issue is more of an inter-personal dispute it may simply be asking the subject member to apologise or to withdraw a remark. You may need to be clear that this does not necessarily mean that the councillor has been found to have breached the Code of Conduct where there has been no formal investigation. It is therefore important where you decide on this course at initial assessment that the action proposed does not imply this. You cannot require the subject member to apologise although you may take that into consideration when thinking of the next steps. Of course, in those cases where the councillor has admitted the breach and offered an acceptable apology, you may decide that no further action is necessary.

Where the allegation highlights wider procedure or cultural issues within the authority, you may wish to consider training for all councillors as a whole or mentoring of particular councillors, or work as an authority on conflict resolution.

You may also decide that the allegation highlights authority procedural failings rather than the specific fault of an individual so you may want to develop or review particular authority protocols and procedures.

Where the allegation is one of a series which in your view highlight that relationships within an authority as a whole have broken down to such an extent that it has become very difficult to conduct the business of the authority then some wider form of reconciliation may be needed rather than simply investigating a whole series of complaints which may of themselves be relatively minor but highlight a pattern of disruption or dysfunction. In such cases it may be helpful to engage an independent mediator who is experienced in group community resolution. Mediation is a formal professional process designed to reach agreed outcomes. Less formal mechanisms may also be used to work with the authority to draw up an action plan to move matters forward and again these are often best done by somebody independent.

In such cases it is particularly important that all parties should understand that a decision to seek an informal resolution without investigating the individual complaints means that no conclusion has been reached about what happened. Furthermore, no decision has been made about whether the subject member(s) failed to comply with the Code. Everyone involved should understand that the purpose of such action is not to find out whether the councillor breached the Code of Conduct but rather to address the underlying causes. This is regardless of how simple it may be to establish the facts.

Where a committee is considering an alternative resolution, it should always consult the monitoring officer. The monitoring officer may be able to advise the committee how viable the proposed resolution is, by providing information on the resources available to them. They may be able to tell the committee how much any proposed resolution might cost and whether, for example, the authority has access to the facilities or resources needed to accomplish it, such as qualified mediators.

Where the matters involve the town or parish council the principal authority cannot compel the town or parish council to meet the costs, but it may discuss with them the implications that other town and parish councils have experienced when they have failed to take action at an early stage. These have included officer and councillor resignations, community disharmony, national level publicity and reputational damage, staff grievances and settlement costs, excessive Freedom of Information Act (FoIA) and Data Subject Access requests, additional external audit inspections and fees and legal challenges and costs.

In considering such issues it is incumbent on the town or parish council to recognise there will be a need to invest in resolutions to the issues and it may be that where they are unwilling to seek to resolve the issues they face, the principal authority may take that into account when assessing future complaints.

Role of the monitoring officer

Role of the monitoring officer

When a matter has been referred for alternative resolution, you should inform the relevant parties (see above). You should take care over how the decision is conveyed. It is important that the wording does not imply that the councillor is culpable where there has been no formal investigation. It is also important that councillors do not feel they have been found guilty without an investigation of the allegation. Above all avoid the risk that both parties could end up potentially feeling dissatisfied.

You should set a time limit by which the action must be taken and make it clear what will happen if it is not undertaken, or not undertaken to your satisfaction. If, within that time limit, you are satisfied with the outcome you should notify the relevant parties. The matter is then closed.

If you are not satisfied within the timescales, you must then notify the relevant parties of whether the matter is nevertheless now closed or whether you intend to take further action. In doing so you should consult with the relevant Independent Person.

You should report any outcomes to your standards committee.

What are the next steps if the informal resolution does not work?

In certain cases, you may decide that no further action is required. For example, if the subject member has made what you consider to be a reasonable apology or has attended the training, then there is little merit in pursuing the issue even if the complainant may remain dissatisfied. An investigation should not be viewed as something that can take place after an alternative resolution has been attempted and is simply not to the satisfaction of the complainant. There is a risk otherwise that alternative resolution will not be taken seriously, and the complainant will not cooperate if it is seen merely as a precursor to an investigation.

On the other hand, where a subject member has categorically refused to comply with the proposed resolution, has failed to cooperate or has taken action you consider inadequate then you should consider whether a formal investigation is needed, or where the resolution has been proposed during or at the end of a formal investigation, whether the matter should be referred for a hearing. Bear in mind that deliberate and continued failure to cooperate with a monitoring officer who is trying to deal with a standards issue may amount to a breach of the Model Code. In deciding on next steps, you should always bear in mind the public interest and your agreed criteria for considering whether a matter needs further investigation.

4. Investigations

Introduction and background

This guidance deals with good practice where it has been decided that an allegation that the Code of Conduct may have been breached merits a formal investigation.

The Localism Act does not specify how an investigation should be carried out or by whom but simply asks principal authorities to have arrangements in place to handle allegations that the Code may have been broken. In practice we would expect authorities to delegate the day-to-day handling of a formal investigation to their monitoring officer. Monitoring officers are at the heart of the standards framework. They promote, educate and support councillors in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Principles of investigation

While an investigation under the Localism Act 2011 is not covered by the right to a fair hearing under Article 6 of the European Convention on Human Rights as the outcome of any hearing will not impact upon the rights of the councillor to carry on the role as a councillor, any investigation must nevertheless abide by the principles of natural justice (*R (Greenslade) v Devon County Council* 2010). That means that the councillor must know what they are accused of and be given the opportunity to comment on the allegations.

Any investigation should therefore bear in mind some key principles:

- Proportionality. That is, the investigation should strive to be proportionate to the seriousness or complexity of the matter under investigation. Where a matter is straightforward or relatively simple, for example where the facts are not in dispute, there may be no need for any formal investigation, but a report can simply be written up (see attached table). Equally not all of the steps in this guidance need be followed in every instance of a formal investigation – a judgment must be made in each case based on its complexity and contentiousness.
- Fairness. The investigation should make sure that the subject member knows what they are accused of and has an opportunity to make comments on the investigation, including on a draft report. Again, this may depend on the nature of the complaint – for example, an alleged failure to declare an interest may be largely a factual matter which needs little or no investigation rather than one that needs to involve evidence from other parties. A councillor quickly admitting to an error may not need further detail to be probed.
- Transparency. As far as is practical and having regard to an individual's right to confidentiality, investigations should be carried out as transparently as possible – all parties should be kept up to date with progress in the case.
- Impartiality. An investigator should not approach an investigation with pre-conceived ideas and should avoid being involved where they have a conflict of interest.

Managing conflicts of interest

A first consideration when deciding how an investigation is to be handled will be to see whether any conflicts of interest arise for you. As monitoring officer, you may have taken the decision that an allegation needs a formal investigation. It would not be a conflict of interest if you yourself then undertook that investigation. You have simply decided in the first instance that there is on the face of it a case to answer but have made no judgment. An investigation is to then establish what exactly did happen and if it does in fact amount to a breach of the code. So, there is no conflict in deciding that a matter needs investigating and then carrying out that investigation yourself.

However, there may be other areas where a potential conflict of interest could arise. For example:

- If you were asked to investigate an allegation against a councillor and you had advised them on the same issue previously, regardless of whether or not they had followed your advice;
- If you have been involved in assisting the complainant in formulating their allegation (Her Majesty's Advocate v Alexander Elliot Anderson Salmond)
- If you were the complainant or a potential key witness to the incident. In such situations, you should delegate the investigation to somebody else (see section on delegation of investigations);
- Where you have tried unsuccessfully to resolve a complaint informally, for example where one of the parties has refused to cooperate or refused to accept an apology (see guidance on informal resolution). In such a case there may be a perception that you have already made some judgment in the matters at hand.
- If you find that you have a direct or indirect interest in an investigation, for example if a family member or friend is involved. Instead, you should notify the subject member and the complainant so that the conflict is on the record, explaining that you will not take any part in the investigation, the reason why and who will carry out the investigation in your place.

Also bear in mind that if you do the investigation personally a conflict may arise later in the process if the matter goes to a hearing, and you are asked to act as adviser to the hearing. You may therefore wish to consider at the start of an investigation whether you would want to ask someone else to carry out the investigation if you think you would be better supporting any hearing panel (see guidance on holding a hearing). We believe that you should not conduct an investigation and advise a

hearing about the same case. You therefore need to consider whether it is more important to investigate the matter and delegate the role of advising a potential hearing, or to delegate the investigative role.

Delegation of investigations

Monitoring officers can delegate investigations to their deputy or to any other named individual. However, if they do, monitoring officers should maintain the function of overseeing the investigation unless they are conflicted out – see section on conflicts of interest – in which case they should make arrangements for another suitable person to oversee the investigation.

Under Section 5(1)(b) of the Local Government and Housing Act 1989, local authorities must provide you with sufficient resources to perform your duties. In many authorities, monitoring officers will be able to appoint another officer to carry out their investigation. Smaller authorities may find it useful to make reciprocal arrangements with neighbouring authorities where they do not already exist formally. This is to make sure that an experienced officer is available to carry out an investigation or supervise it, should the need arise.

Authorities may also decide to outsource the investigation to another organisation or individual. This can be particularly helpful if it is a complex investigation which may absorb an individual's time or where it is politically high-profile or contentious or where there are possible conflicts of interest and it is therefore helpful to have somebody independent from the authority carrying out the investigation. You may wish to agree a decision to outsource an investigation with an Independent Person.

Where you delegate the investigation, you should record the scope of the delegation in writing and keep this on the investigation file. This is to ensure that there is no confusion concerning the role and authority of the person delegated to conduct the investigation. You should be particularly clear about who is responsible for writing the draft and final reports. You should also have agreed timelines for delivery of the report. Where it is likely that this initial timeline cannot be met, for example because of unavailability of people for interviews or because further issues emerge, you should have a mechanism to agree and record any extension and again you may wish to consult with the Independent Person.

If you intend to advise a hearing panel should the matter go for a hearing, you should avoid being involved in the preparation of the investigation report. However, you may want to be able to reserve the right to decide when the report is of an acceptable

quality to be put to the hearing and, if the recommendation from the investigator is that there is no breach of the Code you should be clear about who signs off that report and decides on no further action. We recommend that the views of the Independent Person are also sought where no further action is being taken.

You should inform the relevant parties when you delegate an investigation or make sure that the investigator has done this, so that they know who is dealing with the case and in case they need to provide the investigator with more information.

Disclosure of information

You must treat any information you receive during the course of an investigation as confidential to the investigative process until the investigation is completed unless there is a statutory requirement to disclose it, for example when there are parallel criminal investigations being undertaken. Similarly, all parties involved in the conducting of the investigation should be advised of the confidential nature of the proceedings.

Starting an investigation

When you decide to start a formal investigation or receive instructions to carry out an investigation, be clear what it is you are investigating. If the initial complaint had made several different allegations be clear whether you are investigating them all or only part of the allegations. You should also be clear which parts of the Code you are investigating against although you may decide to include other or different provisions during the investigation as it develops.

Having established the scope of the investigation you should inform:

- the subject member;
- the complainant;
- the relevant Independent Person and
- the relevant town or parish council if the subject member is a town or parish councillor.

We would suggest that the notice sent to the town or parish council is sent to the parish clerk, unless sending it to the chair of the council is more appropriate because of the parish clerk's involvement in the complaint (or deputy chair if the chair is the subject member). You may wish to set out what action you consider the town or parish

council should take (if any) with regards the complaint and requirements related to confidentiality given that town or parish council standing orders may require the clerk to report the complaint to the council.

You should explain to all parties what it is you are investigating and what will happen next. You should also inform the subject member that they have the right to seek the views of the Independent Person and be represented at any interviews with the investigator.

Conducting the investigation

You must always be aware of your obligations under the Data Protection Act 2018, UK General Data Protection Regulations the Human Rights Act 1998 and other relevant legislation, when carrying out an investigation.

When conducting an investigation, you should be able to make inquiries of any person you think necessary. However, there is no obligation for them to respond. If you have difficulties obtaining a response, or a person refuses to cooperate with the investigation you should not let this delay the investigation but make sure that is clear in any report you write.

By law, a monitoring officer can require their authority to provide them with any advice or assistance they need to help them with their duties. However, you cannot require a parish or town council to meet the costs of any investigation into a parish or town councillor or any costs incurred by the parish or town council in providing advice and assistance with the investigation.

Evidence of new breaches

During the course of an investigation, you may uncover evidence of conduct by councillors that breaches the Code of Conduct but extends beyond the scope of the investigation referred to you. Your powers as an investigator relate only to the allegation that you have been given. While that means you may consider other parts of the Code than those initially considered if they are relevant to the matter in hand, you may also uncover evidence of a possible breach that does not directly relate to the allegation you are investigating. If this happens, you should tell the person you obtained the information from that you cannot investigate the possible breach as part of your existing investigation. You should tell them that they may wish to make a

separate complaint to the authority and if the authority considers it needs further action it could be subsequently added to your investigation or dealt with as a separate matter.

Alternatively, if the matters are serious issues in your view, you may wish to refer the matters to the authority yourself as a new complaint for them to make an initial assessment on through their scheme of delegation. If you hold that delegation (for example as monitoring officer) you may wish to ask someone else to take a view on whether the investigation should be extended.

Referring cases back to the authority

During the course of an investigation, it may be necessary to reappraise if an investigation remains the right course of action, for example, if:

- You believe that evidence is uncovered suggesting a case is less serious than may have seemed apparent to the authority originally and that a different decision might therefore have been made about whether to investigate it or not;
- You conclude after examining the matter in detail that in fact the matters under investigation were not done by the subject member in their role as a councillor or as a representative of the authority but rather in a private capacity;
- You have uncovered something which is potentially more serious and the authority may want to consider referring it to the police, for example;
- The subject member has died, is seriously ill or has resigned from the authority and you are of the opinion that it is no longer appropriate to continue with the investigation;
- The subject member has indicated that they wish to make a formal apology which you consider should draw a line under the matter.

In this context 'seriously ill' means that the councillor has a medical condition which would prevent them from engaging with the process of an investigation or a hearing for the foreseeable future. This might be a terminal illness or a degenerative condition. You would be expected to establish this from a reliable independent and authoritative source other than the subject member. This would include where a councillor claims they are suffering from stress brought on by the investigation.

Ultimately it will be for the monitoring officer (or as otherwise defined in the authority's procedures for handling complaints) to conclude whether the investigation should continue. In reaching that decision, the authority should consult with the Independent Person before deciding to defer or end the investigation.

If the matter has been deferred or ended you should notify the subject member and the complainant of the decision and provide timescales within which the matter will be dealt with if it has been deferred. This would not always be appropriate, however, particularly if the matter has been referred to the police.

Deferring an investigation

An investigation should be deferred when any of the following conditions are met:

- There are ongoing criminal proceedings or a police investigation into the councillor's conduct;
- You cannot proceed with your investigation without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceeding;
- Your investigation might prejudice another investigation or court proceeding.

An investigation may also need to be deferred:

- when there is an ongoing investigation by another regulatory body;
- because of the serious illness of a key party;
- due to the genuine unavailability of a key party.

When it is clear that there is an ongoing police, or other investigation, or related court proceedings, you should make enquiries about the nature of the police, or other investigation, or the nature of any court proceedings. It may be helpful to have an agreed Protocol with the local police about handling overlapping cases as the police may want you to carry on your investigation in the first instance.

If at any time during the investigation you become aware of any circumstances that might require the investigation to be deferred, you should normally notify the subject member of this but again you would need to be careful where there are other proceedings ongoing. If you are not the monitoring officer, you should notify the monitoring officer and seek their consent to the deferral. You or the monitoring officer may also wish to consult with the Independent Person.

The decision to defer an investigation should be taken by the monitoring officer. If you have asked someone else to carry out the investigation, they will need to gather sufficient information from the complainant, subject member, and from the police or other organisation involved, to enable you, as the monitoring officer, to come to a

decision. You may wish to seek legal advice at this stage. The reason for the decision to defer should be specifically set out in the investigation file with supporting documentation attached.

In some cases, it will be possible to investigate some of the alleged conduct, where there is no overlap with another investigation or court proceedings. The investigator should highlight those areas where investigation may be possible in the investigation plan.

In some cases, it will be possible to investigate the alleged conduct in parallel with another investigation, for example where the Local Government and Social Care Ombudsman is investigating an authority's decisions and you are investigating the conduct of an individual councillor involved in making the decision. You may need to work closely with the other organisation and agree the steps that each party will take.

You should ask the police, other relevant organisation or individual in writing to keep you informed of the outcome of any police or other investigation, court proceedings or other relevant matter. You should note any important dates, for example of committal hearings, in the investigation plan review. In addition, you may wish to make further contact with the police, other body or individual to ask for an update on the matter.

A deferred investigation should be kept under regular review, in the interests of natural justice. You may wish to seek legal advice at regular intervals, for example every three months, from the date of the deferral decision about the reasonableness of continued deferral.

Once a decision is taken to begin the investigation again you should notify in writing:

- the subject member;
- the complainant;
- the relevant Independent Person; and
- the relevant town or parish council if the subject member is a town or parish councillor.

You should also review the investigation plan in light of the outcome of any police investigation or court proceedings.

Confidentiality

You should treat the information that you gather during your investigation as confidential. This will help ensure that your investigation is seen as fair. Maintaining confidentiality reduces the risk of evidence being viewed as biased and preserves the integrity of the investigation.

We recommend that you also ask the people you interview, and anyone else aware of the investigation, to maintain confidentiality. You should remind councillors of their obligations under the Code of Conduct regarding the disclosure of information that they receive in confidence.

Members of the public are not covered by the Code of Conduct. A person making an allegation about a councillor is under no responsibility to the subject member to keep that complaint confidential, but if they do decide to publish the complaint and it is untrue then the complainant may well expose themselves to an action for defamation.

When the complaint has been received by the authority, the authority is then a data controller in respect of the personal data contained within the complaint and also a body subject to the FoIA.

Were the authority to receive a subject access request (SAR) from the subject member, then the response is likely to be that the complaint will be disclosed to the subject member anyway for comment. Schedule 2 s.7 of the Data Protection Act 2018(DPA) includes an exemption from DPA rights where the function is designed to protect members of the public against dishonesty, malpractice or seriously improper conduct and the function is of a public nature. Local authority investigations are likely to fall under this scope and therefore relevant articles of the UK GDPR including subject access (article 15) do not apply.

There is of course an exemption against disclosure of third-party personal data, but the complainant can be assumed to have agreed to the processing of their own personal data. Some thought needs to be given as to whether other third-party data needs to be redacted, but sufficient information does need to be provided to the subject member to allow them to comment on the complaint.

If a request for information about the complaint was received under the FoIA from a third party, then there would be clear grounds for refusing that request during an ongoing investigation.

If you receive a request from a journalist for example, who is asking if a councillor is under investigation for a specific issue, it would be reasonable to confirm or deny the fact but explain that no further comment can be made until the investigative process is complete.

Any draft report that you issue on the outcome of the investigation should be marked as confidential. This is to preserve the integrity of any further investigation that you may need to undertake.

Timescales for an investigation

There are many factors that can affect the time it takes to complete an investigation. Nevertheless, it is important that there are realistic targets from the outset for the completion of an investigation. This allows the monitoring officer to monitor the progress of investigations and explore reasons for any delays where they have delegated the investigation. We recommend that most investigations are carried out, and a report on the investigation completed, within a maximum of six months of the original complaint being referred for an investigation.

This will not always be possible, particularly where there is overlapping jurisdiction or you are waiting for a key piece of evidence from an external body but if it is to take longer than that, specific permission should be discussed between the monitoring officer and the Independent Person, and a note made as to the reasons why.

Refusal by the subject member or other relevant party to cooperate, for example by not making themselves available for an interview without good reason, should not be a reason for delay but should be reflected in the report. If the subject member refuses to cooperate that of itself is a potential breach of the Model Code and may be something that any decision maker in a case may want to take account of.

Draft reports

The investigator should produce a draft report. If they are not the monitoring officer, they should share the draft initially with the monitoring officer and the independent person so that they can satisfy themselves that the investigation is of an acceptable standard and met the scope of the complaint. Once the monitoring officer is satisfied, the draft report should then be sent to the relevant parties with a deadline for commenting.

Where criticism is made of a third party (for example a witness) who will not otherwise have an opportunity to comment on a draft report then a Maxwellisation process (Maxwellisation is the process by which people who may be subject to criticism in public reports can comment on those proposed criticisms before the report is published) should be followed before a draft report is completed.

You are under no obligations to accept any comments made but where you do not accept comments you should make a note explaining why. Exceptionally you may need to issue a second draft if there have been significant changes.

Completion of an investigation

On completion of an investigation, the monitoring officer may decide:

- to take no further action;
- to seek to resolve the matter informally; or
- to refer the matter to a hearing if it is part of the authority's procedures to refer the matter to a separate hearing by a panel or standards committee (see guidance on hearings).

In doing so the monitoring officer must consult with the relevant Independent Person.

In general, the investigation should be regarded as completed when the monitoring officer receives the final report and accepts that no further investigation is necessary.

Purpose of the report

The report should be treated as an explanation of all the essential elements of the case and a justification for why you have concluded there has been a breach or not.

The report should cover:

- agreed facts;
- any disputed facts together with your view, if appropriate, as to which version is more likely;
- whether those facts amount to a breach of the code or not; and
- your reasons for reaching that conclusion.

Final reports

The final report should be issued by the monitoring officer and must be sent to:

- the subject member;
- the complainant;
- the relevant Independent Person;

- the relevant parish or town council of which the subject member is a councillor.

The report must make one of the following findings on the balance of probabilities:

- that there have been one or more failures to comply with the Code of Conduct;
- that there has not been a failure to comply with the Code.

If the monitoring officer considers that there has been no breach of the Code, that should usually be the end of the matter though they may want to send the report or a summary to the standards committee where you have one for information purposes only or to consider wider lessons.

If the monitoring officer considers that there has been a breach of the Code, the monitoring officer will decide what action, if any, to take and notify the relevant parties. For example, they may decide to seek an informal resolution at this stage or decide that the matter is merely a technical breach which will not lead to any sanction. In doing so the monitoring officer should consult with the independent person.

If the monitoring officer decides the matter should be referred for a hearing, the report should be accompanied by information explaining that a hearing will be held and the procedure to be followed. (see guidance on holding a hearing)

Publishing a report

Where a matter has been referred to a hearing you do not need to publish the report as that will be dealt with at the Hearings Stage.

Where you have concluded that there has been no breach, that no further action is needed, or the matter has been resolved in some other way you do not need to publish the investigation report but you should report the matter to your standards committee. If the matter has generated local interest you may consider putting out a brief statement explaining the outcome and your reasoning. The report may also be disclosable under a Freedom of Information request but that would need to be considered depending on the content of each report, the need to redact personal information and careful consideration given to the public interest test as to whether it should be disclosed or not.

Report checklist

Your report should contain the information listed below.

- a 'confidential' marking
- a 'draft' or 'final' marking
- the date
- the legislation under which the investigation is being carried out
- a summary of the complaint
- the relevant sections of the Code
- evidence
- your findings of fact
- your reasoning
- your finding as to whether there has been a failure to comply with the Code.

The level of detail required will vary for each report, depending on the complexity of information to be considered and presented. The report should, however, contain documents that you have relied on in reaching your conclusions. These may include:

- a chronology of events
- summaries of conversations, correspondence and notes of interviews with witnesses.

In addition, the covering letter you send with the draft report should explain that the report does not necessarily represent your final finding. You should also explain that you will produce a final report once you have considered any comments received on the draft report.

When you send the final report, you should also explain that the report represents your final findings and, if it is to be subject to a hearing, it will be for the panel to decide if they agree with your view or not. It is important that the report has the date of its completion on the front page. This provides clear evidence of when the time within which a hearing should be held begins.

The date of the hearing should be within three months from the date the monitoring officer, or delegated officer, completes the final report (see guidance on hearings).

There should be no appeal allowed either for the subject member or the complainant. Where a breach has been found and the matter is going to a hearing the parties will have their chance to have their say on the investigation at that stage. Where no breach has been found, no action taken or the matter otherwise resolved, that will be the end of the matter.

5. Investigation practicalities

Outsourced investigations

There are a number of reasons why you might outsource an investigation. This may be because of the complexity of the matters means that you want an experienced investigator to carry out the investigation. High-profile or politically contentious cases may require a greater degree of independence from the authority to be demonstrated. It may also be because the authority's investigatory resources internally are limited or at capacity due to other workloads.

In addition, most successful investigation report writers have experience of writing reports for lay people or councillors. They understand that their reports need to be clear enough for someone with no legal background to understand how they reached their decision. They also need to be clear enough to show what factors were taken into account when reaching that decision. You would need to consider if you have that capacity in your organisation.

Objectivity is also important. It may be difficult for an officer to consider whether a colleague was bullied or treated disrespectfully for example. There will be cases when an officer can investigate a complaint where a colleague is the complainant. However, this can only be done if you are sure that they have the necessary impartiality to conduct the investigation, with no perception of bias.

It is important, however, to stay in control of outsourced investigations. To do so you will need to do the following

1. Agree the scope of any delegation. In particular be clear who has responsibility for preparing the investigation report and if necessary, presenting it to a hearing panel;
2. Agree the scope of the investigation. In particular be clear what allegations are being investigated and what should happen if the investigator discovers evidence of further potential breaches of the Code of Conduct;
3. Agree a firm deadline. You need to agree when the case will be completed and consider whether there will be any financial implications if the case is not completed on time;
4. Agree interim deadlines. You should agree when you will receive key pieces of work including the investigation plan, the draft report and the final report. If the investigating officer is new, then you may wish to programme in regular investigation updates;

Agree the payment structure. You may want to consider how you structure the payment for investigations. It is not unreasonable to pay per stage of work completed, and for any additional investigative stages to be agreed as and when they occur.

Start of an investigation

Draw up an investigation plan. This will help focus you on making the investigation as effective as possible. The plan should include:

- The complaint made against the subject member. You may find it necessary to seek clarification from the complainant;
- The paragraphs of the Code of Conduct that may have been breached. Please note that you do not need to accept the complainant's interpretation of what paragraphs may have been breached. It is helpful to breakdown each potential failure to comply into the component parts of each provision. For example, in considering whether a councillor has misused their position improperly to gain an advantage you may need evidence to demonstrate that:

- 1) the councillor used their position;
 - 2) the councillor used their position improperly;
 - 3) the councillor conferred or attempted to confer an advantage or disadvantage.
- The facts which need to be determined to establish if the councillor breached the Code and to decide what the appropriate finding might be. They need to include:

- 1) facts which would establish if the conduct happened as alleged;

- 2) facts that would need to be proven to show that the conduct constituted a breach of the Code;

- 3) facts which might aggravate or mitigate the alleged breach, for example, provocation or an apology.

- The evidence that you would need to determine the issues outlined in your plan. This includes who you will need to interview and why;
- The evidence that has already been supplied by the complainant;
- How you plan to gather any further evidence you are likely to need;

- Any documents you are likely to need to see such as minutes of meetings or register of interest forms and you can get them from;
- If you are not the monitoring officer and are doing the investigation under delegation, make sure you have confirmation on the extent and scope of the investigation and build in check-in points with the monitoring officer on progress;
- How long you think it is likely to take you.

If at any stage in the investigative process there are significant changes to any of the above areas, an investigation plan review may need to be completed.

Contact the complainant and subject member to advise them of your contact details and provide them with a preliminary timescale for the investigation. You should also remind the subject member of their right to seek the views of an Independent Person.

At the end of your investigation, you should have documents which chart the approach you took to the investigation, the reasons for this approach and when you changed your approach if appropriate. You do not need to share these documents with the parties involved in the investigation – they are for you to use as you wish. Their main function is as a planning tool, but they also provide an audit trail should your investigation be the subject of a complaint or review.

The investigation

Information requests

Documentary evidence should be sought before you conduct any interviews and at the earliest opportunity. The list in your investigation plan should form the basis of the first contact you make with the parties and other witnesses.

You may invite the subject member to provide an initial response to the allegation in writing when first making written contact with them. This gives councillors the opportunity to admit to the breach if they would like to do so, and could then save time and effort for all involved. A written response may also provide you with additional useful information before the interview stage.

Where you make a specific request for information this should be made in writing, even if the initial contact is made by phone. Explain the authority you have for asking for the documents and the broad purpose for which you need the document, for example 'an investigation into the conduct of Councillor X'. You do not need to provide

the detail of the complaint against the councillor at this stage. You should also outline the confidentiality requirements that relate to the information request and set a deadline for response.

In certain cases, you may wish for a subject member or other party not to be made aware of a request for evidence. For example, if you consider that this might lead to destruction of evidence by one of the parties or to the improper collaboration of witnesses. In such circumstances it may be appropriate to arrange to meet with the witness, having given them a brief outline of your role. You can then make your request for the relevant documents during the meeting. It is important here that you explain what powers you have to obtain information. If in doubt, it may be prudent to seek legal advice on how to proceed.

If the request for information is refused it is likely to prove time consuming and legally complex to try to pursue the matter. It may be easier to see if there is another route to obtaining the same information.

Interviewing

Your goal in interviewing is to obtain the most informed, reliable evidence possible. It is not to ambush or catch out interviewees.

Order of interviews

You may have spoken to the subject member initially for their initial reaction, but you will normally interview the subject member again formally at the end of the investigation, when you have gathered all your evidence, if they have not admitted to the breach at first contact. This will give you the opportunity to put that evidence to the subject member and obtain their responses to it.

Where practicable it may be best to carry out consecutive interviews on the same day if you are concerned that witnesses may collude or use information provided to them.

You may also wish to re-interview the complainant near the end of the investigation on the same timescale as you are interviewing the subject member. This may allow you to get them to agree facts. It also gives them an opportunity to comment on issues that have been raised during the course of the investigation and provides an opportunity to present potential inconsistencies to the relevant parties for comment.

The format of the interview

It might be more appropriate to conduct face-to-face or virtual interviews than telephone interviews if:

1. the matters involved are sensitive;
2. the interviewee is vulnerable;
3. you or they will need to refer to multiple documents during the interview;
4. the interviewee wishes to have a representative or colleague present;
5. the interview is with the subject member.

It may be more appropriate to conduct a telephone interview if:

1. there are significant resource implications, either in terms of cost or time in conducting a face-to-face interview;
2. the interview does not fall into one of the categories outlined above.

If a subject member or witness insists on a face-to-face interview, then serious consideration should be given to their request. You should specifically check that there is no medical or disability-related reason for their request. If there is, then you should conduct a face-to-face interview. If there is no medical or disability-related reason, then the decision is at your discretion. If you still wish to proceed with a telephone interview despite their request, then you should outline your decision in writing on the file. This is to show that it was both proportionate and reasonable.

Do not conduct joint interviews. It is important that each witness gives their own account without having their recollection influenced by hearing another person's account. An interviewee may, however, have a friend or adviser present. If so that person should not be someone who is a witness, and they should be asked to keep the matters confidential. If an interviewee is a vulnerable person or a minor, you may wish to ensure that you are accompanied by another person.

The venue

If you are conducting a face-to-face interview, try to ensure that the venue is:

1. mutually convenient on neutral territory – this would generally include local authority offices but this may not always be appropriate;
2. in a private room where you cannot be overheard;

3. a place where the interviewee will feel comfortable and is unlikely to be seen by people whose presence may intimidate or upset them, for example, the complainant or subject member;
4. is safe for you, the investigating officer - please refer to any authority policy on lone working.

Occasionally it may be appropriate to conduct an interview at the home of the interviewee. This should generally be at the request of the interviewee, but you should only do this if you feel safe and there is no suitable alternative.

Information you should provide interviewees

You should provide the following information in writing to the interviewee:

1. Confirmation of the agreed time, date and venue or that it is a telephone or virtual interview.
2. Confirmation that the interview will be recorded, if appropriate.
3. Confirmation that the interviewee can have a legal or other representative with them, but that the representative must not be a potential witness in the investigation. Ask that they provide you with the name and status of their representative before the interview.
4. Why you are conducting the interview.
5. How the information they give you in the interview may be used.
6. The circumstances in which information that they give you during the interview may be made public.
7. The confidentiality requirements that they are under as an interviewee.
8. Details and copies of any documents you may refer to during the interview.
9. In the case of the subject member, details and copies of any evidence you have gathered and which you may refer to in your report.

You do not have to disclose witness testimony prior to the interview, depending on the nature of that testimony and whether you want the interviewee's account prior to putting the witness's testimony to them. However, you may wish to disclose a witness's testimony during an interview once you have obtained the interviewee's own account.

You could also consider providing an outline of the areas you intend to cover at interview.

Note: if you only need to confirm one or two factual details with a local authority officer you may contact them by phone and do not need to forewarn them. However, when obtaining this information, you should:

1. orally outline all of the information you would otherwise have provided in writing as set out above;
2. check that they are happy to give it to you then, rather than at an agreed date in the future;
3. confirm the detail of information they do provide, in writing.

Special circumstances

If an interviewee has additional needs, for example a disability (seen or unseen) or language barrier you should make reasonable provisions to cater for their specific needs. If an interviewee is vulnerable or a minor, then they should always be accompanied by a third party at the interview.

Structuring an interview

Interviews should be planned in advance. You can plan your questions using the following suggested format:

1. Divide the information you require into discrete issues. For example, **Issue 1:** The planning meeting on date x. **Issue 2:** The planning meeting on date y.
2. Make a note of the evidence you have already obtained about each issue.
3. Note how you would briefly summarise the evidence to the interviewee.

Conducting the interview

All important interviews should be recorded where possible or else detailed notes taken which are agreed afterwards with the interviewee. The only exception is when the interview is likely to cover only a small number of factual matters. In this case, it may be more appropriate to resolve these factual matters in writing. Before recording an interview, you should:

1. obtain the consent of the interviewee before you start recording the interview;
2. ask them to record their consent on the record once you have started and; offer to send the interviewee a copy of the transcript or draft interview statement,

whichever is applicable.

If they ask, you can send them a copy of the recording too. If you are concerned that the interviewee may share the transcript with other witnesses, you can delay sending the transcript or recording until you have completed all of your interviews.

The interviewee should not normally be allowed to make a recording of the interview. This is to prevent collusion between interviewees and any possibility of record tampering.

Interview recordings should be destroyed as soon as a transcript of the interview has been produced and agreed as accurate.

At the start of the interview

When the interviewee arrives, try and put them at ease,

1. Before you start the formal interview, inform the interviewee that there is a standard interview preamble that you must take them through. This ensures that any rapport you have established is unlikely to be lost when you take them through the legal framework of the interview;
2. Confirm that the interview will be recorded and put the recording device in a visible place on the desk;
3. With their permission start recording;
4. Ask them to confirm for the record that they consent to the recording;
5. Confirm for the record who you are, and why you are conducting the Interview;
6. State the date and time for the record;
7. Confirm that they received your letter outlining the arrangements for the interview;
8. Confirm that they read and understood your letter and ask if they have any questions about any of the information within it;
9. If the interview is with the subject member, repeat orally all of the information contained in your letter;
10. If the interviewee is at all unclear about anything, then repeat orally all of the information contained in your letter;
11. Explain that they can take a break whenever they choose;
12. Explain that you will offer them a break if the interview goes over an hour, even if they have not said that they want one;
13. Tell them how long the interview is likely to take and ask them if they have a time by which it needs to end;

14. Explain that they can ask you to rephrase a question if they don't understand it.

During the interview

1. Start the interview with the subject member with some background questions. These could include 'how long have you been a councillor, or 'what training have you had on the Code of Conduct?'
2. Do not ask multiple questions. Ask one question at a time, and do not ask another question until the interviewee has answered your first question;
3. Do not dart back and forth between different issues as you are liable to confuse yourself and the interviewee;
4. Tackle one subject issue at a time;
5. Ask open questions about information the interviewee or other witnesses have provided about the issue;
6. Drill down. In other words, ask open questions about one specific issue until you have all the information you need on it;
7. Where relevant ask the interviewee to reconcile differing accounts;
8. Ask closed questions to confirm the information you have obtained about the specific issue;
9. Move onto the next issue using the same method. Start with a broad open question about the subject, drill down for information with specific open questions. Conclude the area by asking closed questions to confirm what you have been told;
10. Do not ask leading questions, for example, 'You said this to the clerk, didn't you?';
11. Do not ask the interviewee to speculate;
12. Accurately put the evidence of other interviewees to the interviewee and ask for their response;
13. When asked, explain the relevance of your question;
14. Do not allow the interviewee's lawyer or representative to answer a question;
15. You must allow the interviewee to stop and obtain advice whenever they choose;
16. If the interviewee becomes upset or unwell you must offer them a break;
17. Never raise your voice. Only interrupt if the interviewee is being unreasonable or is not providing relevant information;
18. You should be mindful of avoiding oppressive or repetitive questioning. If an interviewee will not properly answer a question, despite significant attempts to obtain a satisfactory response, then you should move on to another point or issue;
19. Do not question the subject member about matters which fall outside the scope of the complaint;

20. If the interviewee wants a break, record the time of the break on the record and the time you resume the interview. Ask the interviewee to confirm for the record that you did not discuss anything about the case with them during the break.

Closing the interview

1. State the time the interview finished;
2. Thank the interviewee for their time and outline what will happen next;

After the interview

1. Send the interviewee a copy of the transcript;
2. State in the letter that if you do not hear from them by a specified date, you will assume the transcript is agreed;
3. If the content of the transcript is disputed, check the discrepancies against the recording;
4. If the transcript is confirmed by the recording, write to the interviewee to inform them of this. In these circumstances, if the matter is referred to a hearing, submit the transcript, the recording, the interviewee's letter outlining the dispute, and your response.

Evaluating the information after an interview

1. Review your investigation plan in light of the information gathered during the interview;
2. Review all the evidence you have gathered to determine if there are any gaps in it;
3. Take a view on all disputed relevant matters. Your own opinion on the evidence is sufficient. However, if you are unable to come to a decision, you may need to seek further information or decide that you are unable to reach a conclusion;
4. Weigh up all the evidence and decide if the alleged conduct occurred;
5. If you decide that the subject member acted as alleged, you will need to consider whether their conduct involved a failure to comply with the Code of Conduct;
6. If you decide the subject member breached the Code, consider whether you have evidence of any mitigating or aggravating circumstances. If not, you may need to seek further information.

Drafting the report

When you have concluded your investigation, you will need to write up your findings in a report which should contain the following information:

1. who the report is for;
2. who the report is by;
3. the date of the report.

Executive summary

This should include:

1. the full allegation and who it was made by;
2. the provisions of the Code of Conduct that were considered;
3. a conclusion as to whether there has been a failure to comply with the Code the finding;
4. any relevant extracts from the Code and any other legislation or protocols considered in the report.

Evidence gathered and the investigator's consideration

1. Set out all the relevant evidence you have gathered even if it does not support the conclusions you have reached;
 2. State what you consider has taken place based upon your evaluation of this evidence;
 3. Set out undisputed facts as facts. Do not summarise them or preface them 'he said' or 'the minutes state'. If they are undisputed just state them as fact.
 4. Where there is a disputed fact, outline the different views and your conclusion on them. You need to form a conclusion based on the balance of probabilities. Also state why you have reached this conclusion. For example:
- The clerk, Councillor Jones and Councillor Smith met at Councillor Jones's house on y date at x time;
 - At interview the clerk stated that Councillor Jones said.....
 - At interview Councillor Smith stated that Councillor Jones told the clerk...
 - At interview Councillor Jones stated that he told the clerk...

- I have considered the following issues when deciding what Councillor Jones said to the clerk... I consider at on the balance of probabilities Councillor Jones told the clerk...because...

5. Include any mitigating or aggravating factors, such as the state of mind of those involved.

6. When you refer in the report to material in the evidence bundle, identify the document referred to.

Summary of the material facts

Summarise the facts needed to confirm the conclusions you have reached. Where there was a disputed fact, you will only need to include the conclusion you came to.

If the subject member has made additional submissions which you do not consider relevant to the case outline why you do not deem information or opinions submitted by the subject member to be relevant.

Reasoning as to whether there has been a failure to comply with the Code of Conduct

1. Make each alleged breach in turn.
2. Outline which part of the Code of Conduct you are considering. Explain the test you are applying when determining if there has been a failure to comply with the Code.
3. Explain in detail, giving reasons, why you do or do not consider that the conduct constitutes a breach of the Code.
4. Do not introduce any new facts or opinions. You must only refer to evidence or opinions that have been outlined earlier in the report.

Make sure your explanation of the test you are applying, and the reasons for your conclusions, are detailed and clear enough to understand for a lay person with no legal background.

Finding

You should make a finding about each alleged breach of the Code:

1. Outline in detail the reason for your decision
2. Refer to aggravating or mitigating facts, which must be outlined in the facts section earlier in the report.

Schedule

Your report should include any documents taken into account:

1. Exhibit all the evidence upon which you have relied when reaching your conclusion;
2. In complex cases it may be appropriate to provide a chronology;
3. Provide a list of unused material if appropriate.

Issuing a draft report

You should send a draft report, sending a copy to the subject member and the complainant and inviting their comments by a specified date. If you have carried out an investigation on behalf of the monitoring officer, you should first of all make sure they are happy that the draft is to an acceptable standard.

The draft should not be sent to other witnesses or parties interviewed, but you should seek confirmation of their evidence from them before issuing the report.

Ensure that the draft report is clearly marked as 'Draft' and 'Confidential' (though it can be discussed with a legal representative) and make clear that the report may be subject to change and does not represent your final conclusion.

If you have found the subject member in breach, make sure that the evidence that you have relied upon when reaching this conclusion is clearly marked in the report.

You must consider whether any of the information in the draft report is sensitive personal information that should not go into the public domain, for example, medical reports details or personal contact details. Information of this nature should be edited from the draft and final report unless it is essential to the reasoning.

Comments on the draft

Responses to your draft may reveal the need for further investigation, or they may add nothing of relevance. Occasionally changes may be significant enough for you to consider issuing a second draft.

Once you have considered whether the responses add anything of substance to the investigation, you will be able to make your final conclusions and recommendations.

Where comments on the draft are critical of the investigation or the investigator, you may need to consider how to respond to the complaints made. You should not let such criticisms prevent a draft report being finalised, however, unless this is unavoidable. In particular, the investigation process, including writing the report, should not be suspended while a complaint about the investigation is dealt with. Complaints about the conduct of investigators should be dealt with in the same way as other service complaints.

You should keep a written record of your consideration of any comments received on the draft. It is best practice to provide a written response to the party explaining your position or referring them to the relevant paragraph of the report. This can be done when they are sent the final report. You should avoid getting drawn into lengthy correspondence with the subject member or other interested parties where they disagree with the draft. You should confine comments to matters of fact rather than personal opinions as to how the investigation was done or the opinion you have reached. However, you will need to show that you took all reasonable steps to address concerns.

If you receive further comments after the final report has been issued you should explain that the investigation is now closed and refer them to the person who is dealing with any hearing if appropriate.

The final report

You must state that the report represents your final finding. If you have found the subject member in breach you should make sure the reasoning for that conclusion and any supporting evidence is clear. You must consider whether any of the information in the report or evidence bundle is confidential information that should not go into the public domain, for example, medical details, personal contact details or signatures. All information of this nature should be edited from the final report unless it is essential to the reasoning.

You should send the final report to the monitoring officer if you are not the monitoring officer who will then issue the report. If you are the monitoring officer, you must send your report to:

1. The subject member
2. The Independent Person

A copy may also be made available to the complainant and others as you think appropriate.

The monitoring officer must decide whether:

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.

This should be made clear in the letter accompanying the report and if the monitoring officer decides that the matter should be referred to a hearing panel, they should arrange for that to happen as soon as possible (see separate section on hearings). The letter should also make clear what if any aspects of the report are confidential but that it can be discussed with a legal representative. If the matter is being referred to a hearing it should be made clear that the whole report remains confidential until the time of the Hearing to avoid prejudicing any considerations.

Confidentiality during the investigation

While it is important during the course of an investigation to preserve confidentiality so as not to compromise the integrity of the investigation, in practice in some circumstances, maintaining the confidentiality of an investigation can be difficult. However, it is important that you take all reasonable steps to maintain the confidentiality of your investigation, as failure to do so may compromise the investigation. To help maintain confidentiality:

1. Mark all of your letters, transcripts and reports as confidential;
2. Outline why you have marked it confidential but clearly inform subject members in writing that they can appoint a solicitor, or other person, to act as their representative. You must also clearly inform them that they can disclose any relevant document to this representative.

3. You should state that their representative should not be someone who may be involved in the investigation;
4. It is important that you make it clear to all parties that they should make any approach to witnesses in writing. This is to avoid confusion that might arise about the investigative process;
5. When arranging interviews ask interviewees to identify the name of any person who is accompanying them to the interview. Also ask them to state what their relationship is to the interviewee. You should explicitly state, in writing, that they should not be accompanied by anyone who may be called as a witness in the investigation;
6. If you think it is possible that witnesses may discuss their testimonies with each other, you should not send the transcripts of any interviews until all of the interviews have been concluded. This may mean that you send interview transcripts out with the draft report;
7. Where you are interviewing a number of people who have close relationships with one another, it may be prudent to interview them immediately after each other. This reduces any opportunity for collaboration.

If confidentiality is breached you should write to the party reminding them of the confidentiality requirements and, if they are a councillor, of their duties under the Model Code of Conduct. If you have evidence that information was disclosed to a party prior to their interview, you can take this into account when evaluating the reliability of the witness's evidence. If the disclosure was made by a councillor, you can consider making a formal complaint about their conduct.

6. The hearings process

Once a formal investigation has taken place, the monitoring officer may refer the matter to a hearing.

There is no prescription in the legislation that says a matter has to go to a hearing or how that hearing may be conducted. Whatever approach you decide to take it must follow the rules of natural justice and comply with the obligations to ensure a fair hearing under Article 6 of the Human Rights Act. In line with the principle of proportionality the approach you take may depend upon the seriousness of the issue. For example, if you are satisfied that the investigation has allowed all sides to have their say the panel may simply review the report without further reference to the parties.

This guidance is written however on the presumption that a hearings panel of some form, consisting of elected councillors, will be convened.

The legislation stipulates that, where it is a town or parish council case, the matter is dealt with by the principal authority.

Throughout this guidance we will refer to panel, but by that we mean a committee or a sub-committee which the local authority (or a committee, such as an Audit or Standards Committee) has delegated responsibility to determine the outcome of certain complaints that individual councillors have breached the Code of Conduct.

Convening a hearing

At the end of the investigation, a hearing may be called where the investigator has concluded that there has been a breach of the Code of Conduct and the monitoring officer has concluded that the matter cannot otherwise be resolved informally (see guidance on informal resolution).

For reasons of fairness and proportionality a hearing should wherever possible take place within three months of the date on which the investigator's report was completed. Where that is not possible, for example because the matter is awaiting the outcome of other matters being dealt with by outside bodies or other investigations into the subject member, the monitoring officer should notify the relevant parties of the reason for the delay and provide an estimated timescale.

However, the hearing should not take place sooner than 14 days after the investigation report has been issued unless the subject member agrees. This is to allow them sufficient time to prepare their defence and consider any witnesses they may wish to call for example (see section on the pre-hearing process below)

Once a date has been set for a Hearing the monitoring officer should notify:

- the subject member;
- the investigator;
- the relevant Independent Person;
- the complainant if appropriate;
- the clerk of any relevant town or parish council.

They should also outline the hearing procedure; the subject member's rights and they should additionally ask for a written response from the subject member within a set time. This is to find out whether the subject member:

- wants to be represented at the hearing
- disagrees with any of the findings of fact in the investigation report, including reasons for any of these disagreements
- wants to give evidence to the hearing, either verbally or in writing
- wants to call relevant witnesses to give evidence to the standards committee
- wants to request any part of the hearing to be held in private
- wants to request any part of the investigation report or other relevant documents to be withheld from the public.

The investigator should also be asked if they wish to call any witnesses.

If the subject member is unable to make the specified date the panel may arrange for the hearing to be held on a different date, provided that they are satisfied that the subject member has given an acceptable reason. Where the subject member does not give an acceptable reason or does not reply within a specified time, the panel should proceed with the date and may consider the report in the subject member's absence if the subject member does not go to the hearing. The subject member should not be able to evade having the case heard simply by refusing to cooperate and the Model Code makes failure to cooperate a potential breach. However, the panel should make clear at the start of the hearing that they have considered whether they can proceed in the absence of the subject member and should record their reasons.

If one or more witnesses are unavailable on the given date the monitoring officer, in consultation with the chair of the panel, should decide how material they would be to the hearing and whether another date needs to be looked for. Witnesses, especially members of the public often play an important part in the process and should be treated with courtesy and respect although it may be that their views were already sought as part of the investigation so the panel would need to evaluate how they could proceed without them. Witnesses should be kept promptly informed of the relevant dates, times and location of the hearing.

Except in the most complicated cases, the panel should aim to complete a hearing in one sitting or in consecutive sittings of no more than one working day in total. When scheduling hearings, you should bear in mind that late- night and very lengthy hearings are not ideal for effective decision-making. Equally, having long gaps between sittings can lead to repetition or important matters being forgotten.

Role of the monitoring officer

It is important that the panel receives high quality, independent advice. For this reason, a monitoring officer should be the main adviser to the standards committee, unless they have an interest in the matter that would prevent them from performing this role independently. This may be because they have carried out the investigation or have another conflict (see guide on investigations). If this situation arises, a monitoring officer should arrange for another appropriately qualified officer to advise the standards committee.

The monitoring officer or other legal adviser's role in advising the panel is to:

- make sure that members of the standards committee understand their powers and procedures
- make sure that the procedure is fair and will allow the complaint to be dealt with as efficiently and effectively as possible
- make sure that the subject member understands the procedure the panel will follow
- provide advice to the panel during the hearing and their deliberations.
- help the panel produce a written decision and a summary of that decision.

Monitoring officers play an important role in advising their councillors on a day-to-day basis. When performing this role, monitoring officers need to be aware of the potential conflicts of interest that can arise, as these conflicts could prevent them from advising the panel at a later stage.

Monitoring officers will need to be aware of the potential conflicts involved in investigating a matter, advising the panel and advising councillors (see also guidance on investigations).

However, conflicts of interest are not likely to arise simply from informal discussions between councillors and monitoring officers.

You may wish to consider options for reducing the likelihood of such conflicts, including:

- arranging for another officer to advise councillors
- continuing to advise councillors, while identifying possible scenarios that may lead to future conflicts.

You should also ensure that if your advice could be relevant to an investigation, you have another appropriately experienced officer who is prepared to support the panel in its hearings and deliberations.

Smaller authorities in particular may find it useful to make arrangements with neighbouring authorities to make sure that when a conflict arises, an appropriately experienced officer is available to advise the panel.

Composition of the panel

The panel should be drawn from the main body of the standards committee. If the panel includes independent representatives or parish representatives, they do not have voting rights by law.

You will need to be clear whether political proportionality applies to the panel or whether it has been waived by the local authority.

All panel members should have undergone suitable training.

Holding a pre-hearing

As soon as a date has been set for a hearing the panel should hold a private pre-hearing. This could be done in writing or just between the monitoring officer and the Committee chair for expediency. The purpose of the pre-hearing process is to allow matters at the hearing to be dealt with more fairly and economically. This is because it quickly alerts parties to possible areas of difficulty and, if possible, allows them to be resolved before the hearing itself. The pre-hearing should also decide who will chair the panel.

At the pre-hearing the panel should:

- Decide whether any of the findings of fact in the investigation report are in dispute and, if so, how relevant they are likely to be at the hearing. For example, if the dispute is about the time of a particular conversation but that time is not relevant to whether the Code has been breached or not, there would be little point focussing on that. On the other hand, if that alleged discrepancy were material the panel needs to satisfy itself how it would resolve that difference at the hearing.
- Consider any additional evidence it considers is required at the hearing.
- Identify any witnesses it thinks it would want to hear from.
- Decide if witnesses which the subject member or investigator may want to call are relevant bearing in mind the nature of the issue and the need for proportionality. For example, if an incident has occurred at full council there would be no need to call every member as a witness but equally the panel may feel it needs to hear from a

couple of witnesses representing different sides. Similarly, if the subject member decides to call a number of character witnesses the panel should take a view as to how relevant that is and how many would suffice.

- Consider whether there are any parts of the hearing that are likely to be held in private or whether any parts of the investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' material (see section on confidentiality below) though the final decision will rest with the panel on the day. The presumption should be to hold a public hearing unless there is specific exempt or confidential information as defined by Part VA of the Local Government Act 1972 so identifying that at the pre-hearing will have some bearing on publication of any relevant papers.
- Identify any potential conflicts of interest, for example any close associations with the people involved or potential witnesses. The monitoring officer will advise if any conflicts mean that a councillor should stand down from the panel.

It is important that at the pre-hearing panel members do not debate the merits of the case.

Note that this pre-hearing would not of itself be a formal meeting so would not be open and often these matters can be dealt with through correspondence. Once the pre-hearing has been held the monitoring officer should write to everyone involved in the complaint at least two weeks before the hearing. This should confirm the date, time and place for the hearing, note whether the subject member or investigator will be represented at the hearing. It should also list those witnesses, if any, who will be asked to give evidence and outline the proposed procedure for the hearing.

The hearing

A hearing is like any other committee or sub-committee of the authority and as such must follow the rules that apply to committees. This means that it must reflect the political proportionality of the local authority as a whole unless the authority has waived proportionality and that only elected members of the authority are entitled to vote at the Hearing. The rules around access to information also apply as they do to other committees – that is the hearing will be in public unless there are lawful reasons for all or part of it to be heard as exempt or confidential matters.

Panel members should bear in mind that it is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities.

The panel should work at all times in a demonstrably fair, independent and politically impartial way. This helps to ensure that members of the public, and councillors, have confidence in its procedures and findings. Decisions should be seen as open, unprejudiced and unbiased. All concerned should treat the hearing process with respect and with regard to the potential seriousness of the outcome, for the subject member, the local authority and the public. For the subject member, an adverse decision by the committee can result in significant reputational damage.

Representatives

The subject member may choose to be represented by counsel, a solicitor, or by any other person they wish. This should have been agreed at the pre-hearing and if the panel has any concern about the person chosen to represent the subject member, they should have made that clear beforehand. The panel does, however, have the right to withdraw its permission to allow a representative if that representative disrupts the hearing. However, an appropriate warning will usually be enough to prevent more disruptions and should normally be given before permission is withdrawn.

Evidence

The panel, through its chair, controls the procedure and evidence presented at a hearing, including the number of witnesses and the way witnesses are questioned.

In many cases, the panel may not need to consider any evidence other than the investigation report and any other supporting documents. However, the panel may need to hear from witnesses if more evidence is needed, or if people do not agree with certain findings of fact in the report.

The panel can allow witnesses to be questioned and cross-examined by the subject member, the investigator or their representatives. Alternatively, the panel can ask that these questions be directed through the chair. The panel can also question witnesses directly and the Independent Person should also be asked if they wish to ask any questions. It is not a legal requirement that the Independent Person attend the hearing, but it is best practice and the authority must have regard to their views when reaching a decision. If the Independent Person does not attend therefore, there must be an agreed mechanism for receiving their views.

If the panel believes, however, that questions are irrelevant or oppressive then the chair should stop that particular line of questioning.

Generally, the subject member is entitled to present their case as they see fit, which includes calling the witnesses they may want and which are relevant to the matters to be heard. However, the panel has the right to govern its own procedures as long as it acts fairly. For this reason, the panel may limit the number of witnesses if the number is unreasonable. This should have been agreed at the pre-hearing.

Making a finding

Once the panel has heard all the relevant evidence it should suspend the hearing and retire in private to consider its finding.

Before retiring the chair should invite the Independent Person to give their views to the panel which the local authority must have regard to. These views should be given in the open session so that all sides can have a chance to challenge them as necessary. If the Independent Person retires with the panel they should not take part in any decision making as they are not part of the formal decision-making process. In addition, they should ensure that any views they give to the panel are also made publicly to the meeting.

Any officer who retires with the panel is then to advise on matters of procedure and law. Any advice given, however, must then be conveyed back publicly to the meeting.

If the panel, after retiring, decides that it needs to reconsider certain matters it is able of reconvening to ask further questions.

Once the panel has reached its decision it should reconvene to inform the subject member. Where breach has been found, it should then invite representations as to any aggravating or mitigating factors (see below) before retiring again to consider an appropriate sanction.

It is good practice to make a short written decision available on the day of the hearing, and to prepare the full written decision in draft on that day, before people's memories fade. The officer providing administrative support to the panel will normally also draft minutes of the meeting.

The panel should give its full written decision to the relevant parties as soon as possible after the hearing. In most cases this should be within one week of the hearing.

The relevant parties are:

- the subject member
- the complainant
- the relevant Independent Person
- any parish or town councils concerned.

Where appropriate the subject member's political group may also be informed of the decision if the sanction requires group action (see below) and should also be sent to the next full council meeting.

Sanctions

There is no definitive list of possible sanctions (*The Government's response to the Committee on Standard in public life 2019 is awaited*). If the panel finds that a subject member has failed to follow the Code of Conduct and that they should be sanctioned, it needs to be clear which sanctions it has the power to impose and which matters are reserved to council or need to be referred to a relevant political group.

Typical sanctions may include one or a combination of the following:

- report its findings in respect of the subject member's conduct to council (or the relevant parish council)
- issue (or recommend to the parish council to issue) a formal censure
- recommend to the subject member's group leader (or in the case of un-grouped councillors, recommend to council) that they be removed from any or all committees or sub-committees of the authority (or recommend such action to the parish council)
- recommend to the leader of the authority that the subject member be removed from positions of responsibility
- instruct the monitoring officer to (or recommend that the parish council) arrange training for the subject member
- recommend to council (or recommend to the parish council) that the subject member be removed from all outside appointments to which they have been appointed or nominated by the authority (or by the parish council);
- recommend to council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the authority for a specified period, such as a computer, website and/or email and internet access; or
- recommend to council (or recommend that the parish council) that it excludes the subject member from the authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings and/or restricts contact with officers to named officers only

- if relevant recommend to council that the subject member be removed from their role as leader of the authority
- if relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.

Note that where the subject member is a parish or town councillor, the matter is referred back to their council to say that a breach of the Code has been found and with a recommended sanction. The town or parish council must then meet to consider whether to impose that sanction or to replace it with another relevant sanction. They cannot overturn the finding that there has been a breach of the Code and if they wish to impose a different sanction they should seek advice from the clerk and/or the monitoring officer. The panel should also ask the parish or town council to report back to the monitoring officer within three months to confirm that they have met to discuss the sanction, and if necessary, to write again once the sanction has been fulfilled.

Note that under the Model Code of Conduct failure to comply with a sanction may of itself be a breach of the Code.

When deciding on a sanction, the panel should ensure that it is reasonable, proportionate and relevant to the subject member's behaviour. Before deciding what sanction to issue, the panel should consider the following questions, along with any other relevant circumstances:

- What was the subject member's intention?
- Did the subject member know that they were failing to follow the Code of Conduct?
- Did the subject member get advice from officers before the incident? Was that advice acted on or ignored?
- Has there been a breach of trust?
- Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- What was the result or potential result of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the subject member accept they were at fault?
- Did the subject member apologise to the relevant people?
- Has the subject member previously been warned or reprimanded for similar misconduct or failed to follow the Code of Conduct before?
- Is the subject member likely to do the same thing again?
- How will the sanction impact on the subject member's ability to carry out their role?

Sanctions involving restricting access to an authority's premises or equipment or contact with officers should not unnecessarily restrict the subject member's ability to carry out their responsibilities as an elected representative or co-opted member.

Mitigating factors may include:

- an honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice;
- a councillor's previous record of good service;
- substantiated evidence that the councillor's actions have been affected by ill-health;
- recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the councillor;
- compliance with the Code since the events giving rise to the complaint.

Aggravating factors may include:

- dishonesty or breaches of trust;
- trying to gain an advantage or disadvantage for themselves or others;
- bullying;
- continuing to deny the facts despite clear contrary evidence;
- seeking unfairly to blame other people;
- failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code;
- persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

Publicising the findings

The panel should arrange for a decision notice to be published on the website of any authorities concerned, and anywhere else the panel considers appropriate.

If the panel finds that the subject member did not fail to follow the authority's Code of Conduct, the public summary must say this and give reasons for this finding.

If the panel finds that the subject member failed to follow the Code but that no action is needed, the public summary should:

- say that the councillor failed to follow the Code, but that no action needs to be taken;
- outline what happened;
- give reasons for the panel's decision not to take any action.

If the panel finds that a councillor failed to follow the Code and it imposed a sanction, the public summary should:

- say that the councillor failed to follow the Code;
- outline what happened;
- explain what sanction has been imposed;
- give reasons for the decision made by the panel.

The panel's reports and minutes should be available for public inspection in the same way as other local authority committee papers.

Appeals

Given that the framework and sanctions are meant to be light-touch and proportionate, there should be no right of appeal against a decision on a Code of Conduct complaint.

POSTPONED

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 18
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Report prepared by Angela Price – Town Clerk

LOCAL AUTHORITY REMOTE/HYBRID MEETINGS

Purpose of Report

The purpose of this report is to bring information received from the Society of Local Council Clerks (SLCC) to the attention of Members of Ledbury Town Council and to ask them to consider passing a motion and write to the Secretary of State to show support for remote/hybrid meetings within local authorities.

Detailed Information

On 15 February 2022, the Clerk received correspondence from the SLCC in respect of the campaign to allow councils in England to have the choice to meet remotely.

Attached is a letter that various sector groups have co-signed and sent to the Secretary of State, The Rt Hon Michael Gove in respect of allowing councils in England to have the choice to meet remotely and in addition to this a petition has been set up which has over 10,550 signatures, with the number growing daily.

They group are calling upon councils in England to consider passing the following motion and to write to the Secretary of State to show support as well as signing the petition:

"This Council supports the petition launched by ADSO and LLG on 5 January with regard to remote and hybrid meetings. We agree to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures."

Recommendation

1. That Ledbury Town Council give agree to pass the above motion.
2. That Ledbury Town Council give agree to sign the petition to allow councils in England to have the choice to meet remotely.

POSTPONED



Association of
Democratic Services
Officers



For Local Council Professionals



Centre for Governance and Society



National Association
of Local Councils

The Rt Hon Michael Gove MP
Secretary of State
Department for Levelling Up, Housing & Communities
2 Marsham Street
London
SW1P 4DF

10 February 2022

By e mail

Dear Secretary of State,

Local Authority Remote/Hybrid Meetings

We read with interest your recent answer to a parliamentary question from Dr Neil Hudson MP (24 January 2022) in relation to local authority hybrid meetings. We note that you are strongly in sympathy with the view that such meetings should continue to ensure the maximum amount of efficiency. We were encouraged by your recognition of their success in response to Covid and also by your emphasis on the importance of holding on-line meetings for local councils with rural and dispersed populations. We do not disagree with your view that some local authority meetings should continue to meet in person. Full Council meetings for example work best when held physically in Council premises. But it is important for local democracy that councils have that choice and flexibility to suit their own circumstances.

You will be aware of our campaign for the Government to change the law, following the High Court case in 2021 which your predecessor supported. The petition launched by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) now has over 10,400 signatures and that number is growing daily. See the link <https://chnng.it/G6v8hgLVbW>. There is therefore a significant amount of support and consensus for on-line meetings.

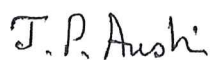
We have long argued that such meetings should take place within agreed governance rules and guidelines – as indeed they were successfully during the lockdown periods. We have offered previously to work with Government to agree the governance framework within which these meetings should take place. This offer is still very much on the table. Some of our organisations represent the local government practitioners who implement, administer, and oversee the governance processes within Councils and are best placed to advise on the way forward

We are available to discuss this with you at your convenience. Please contact John Austin (ADSO) (john.austin@adso.co.uk) 07793 013616 (m) or Helen McGrath (LLG) (Helen@LLG.org.uk).

More information about our respective organisations is attached.

We look forward to hearing from you.

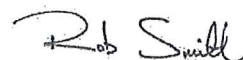
Yours sincerely



ADSO



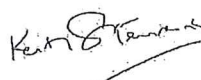
LLG



SLCC



CGS



NALC

More about our organisations

Association of Democratic Services Officers (ADSO)

Formed in 2009, ADSO is the professional body for Governance and Democratic Services Officers in principal local authorities. We provide professional services, training and qualifications to our members as well as representing them in national and local issues. We also support local authorities in developing best practice in governance and related matters.

Lawyers in Local Government (LLG)

LLG was formed in April 2013 by the merger of the Association of Council Secretaries and Solicitors (ACSeS) and Solicitors in Local Government (SLG). It's primary purpose is to represent, promote and support the interests of its members.

Membership is open to local government legal or governance officers working within a local authority, including Monitoring Officers and their deputies, solicitors, barristers, legal executives, licensed conveyancers and trainees.

Lawyers in Local Government is a limited company registered in England and Wales. Registered Number: 8379439. Registered Office: Sycamore House, Sutton Quays Business Park, Sutton Weaver, Warrington, Cheshire, WA7 3EH.

Centre for Governance & Scrutiny (CfGS)

CfGS exists to promote better governance and scrutiny, both in policy and in practice. They support local government, the public, corporate and voluntary sectors in ensuring transparency, accountability and greater involvement in their governance processes. CfGS is a social purpose consultancy and a national centre of expertise. Their purpose is to help organisations achieve their outcomes through improved governance and performance.

National Association of Local Councils (NALC)

Established in 1947, the National Association of Local Councils is the national body that represents the interests of 10,000 local (parish and town) councils in England. NALC works in partnership with county associations to support, promote and improve local councils.

Society of Local Council Clerks (SLCC)

Founded in 1972, SLCC represents clerks in over 5,000 parish and town councils in England and Wales.

As the professional body for local council clerks and senior council employees, it ensures that its members are equipped with the necessary knowledge, training and skills to thrive within their role and best support their council and community.

POSTPONED

Agenda Item
19(a)

**MINUTES OF A MEETING OF LEDBURY CARNIVAL ASSOCIATION
HELD ON WEDNESDAY 9 FEBRUARY 2022- VIA ZOOM**

PRESENT: Paul Bartlett (PB), Johnny Chan (Chair) (JC), Jamie Hobby (JH), Sue Hughes (SH), Jill Jupp (JJ), Janet Meredith (JM), Ashley Norton (AN) and Olivia Trueman (OT)

APOLOGIES: Harold Armitage (HA), Laura Clarke (LC), Ken Davis (President) (KD), Keith Francis (KF), Dee Knight (DK) and Nic Sims (NS)

IN ATTENDANCE: Shaun Roberts – Safe to Go

**Carnival Theme: Ledbury Blooms
Carnival Date: Monday 29th August 2022**

1.	<p>WELCOME AND APOLOGIES: JC welcomed everyone to the meeting. Apologies were as listed above.</p> <p>JM advised that JH would be joining the meeting shortly. JJ confirmed that the meeting would then be quorate</p>	
2.	<p>EVENTS MANAGEMENT/SECURITY: Shaun Roberts – Safe to Go: A discussion took place re road closures and equipment required.</p> <p>OT advised that Ledbury Town Council had an inventory of road signs, barriers etc. and would forward it to SR.</p> <p>SR highlighted that authority was required to stop traffic flow at a roundabout. The Police had arrived in Carnival 2019 but this could not be relied upon. A trained authorised personnel would be required for the Ross Road Roundabout.</p> <p>The other issue was the junction at Tesco, part of the 'rolling road closure'. A presence was required there.</p> <p>JJ explained about the Road Closure Authority (including 'rolling road closure' that was applied for via Fiona Miles at Balfour Beatty Living Places (Highways)). Diversion information was also supplied with the Road Closure authority.</p> <p>JJ to forward all Events Management paperwork, including risk assessments, from 2019 to SR.</p> <p>SR highlighted that once the road closure was in place then no vehicles should be allowed through.</p> <p>JM explained that as part of their Terms and Conditions, stallholders had to be in place by 10.30 am and were not allowed to move their vehicles either into or out of the road closure area until 5.15 pm, after the Carnival had finished. They were given permits to display in their vehicles so show that they were authorised to come into the road closure area.</p>	<p>OT</p> <p>JJ</p>

	<p>The only exception to this was Hereford Hospital Radio. They would move their caravan within the road closure times, before the procession left the Rugby Club and would need to be in position on the High Street before the procession came through, to enable them to commentate, play music etc. They would have a permit.</p> <p>SR to be given a list of all stall holders etc. and Rowlands Fair who would need to be allowed through the road closure.</p> <p>The Committee would need to advise SR well in advance of how many stewards they had for the procession in order that he knew how many he would need to supply/re-deploy from the Ross Road roundabout.</p> <p>SR to have sight of the Risk Assessments provided by stall holders.</p> <p>The Horticultural Society held their annual event in the Community Hall, Lawnside Road, which was within the road closure area. JM advised that most of their equipment, entries etc. were dropped off on the Sunday evening and judging commenced at 8.00 am on the Bank Holiday Monday. The event would not be closed until after 5.00 pm.</p> <p>JJ to confirm timings with the Chairman of the Horticultural Society.</p> <p>JM to check arrival times for Rowlands Fair.</p> <p>Bus Companies to be contacted.</p> <p>Waste Services at Herefordshire Council to be contacted.</p> <p>Renaissance Fitness, the Gym in Bye Street, to be contacted as their members would need to be advised that they could not bring vehicles to the Gym on the day. JH to obtain contact details. They would be able to park for free in the Bridge Street Car Park nearby.</p> <p>HALO Leisure Centre was not an issue as they closed on Bank Holidays.</p> <p>The suggestion was made to move the road closure up to the junction of Market Street, Community Hospital.</p> <p>It was agreed to hold a site meeting on Sunday 20 March 2022, 11.00 am. Meet by the Market House.</p> <p>JM/JC to provide information re approximate location of stalls.</p> <p>SR left the Meeting at 8.45 pm.</p>	<p>JM</p> <p>COMMITTEE</p> <p>M</p> <p>JJ</p> <p>JM</p> <p>JJ</p> <p>JJ</p> <p>JH/JJ</p> <p>SR JC AN JJ</p> <p>JM/JC</p>
3.	<p>MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING:</p> <p>The Minutes of the previous meeting which took place on 12 January 2022, were agreed. To be signed by JC as a correct record.</p>	<p>JC</p>

4.	<p>TREASURER'S REPORT: Balances: M reported that the balances were as follows:</p> <p>£11,397.18 Current Account</p> <p>£ 2,139.80 Deposit Account</p> <p>£13,536.98 TOTAL</p> <p>Budget: JM circulated a first draft budget.</p> <p>The figure for Events Management/Security would need to be increased.</p> <p>JM had requested that provision for First Aid would be as for 2019.</p> <p>With regard to Insurance, JM had arranged to hold a full review meeting with Towergate, the Insurance Company to ensure that all aspects of Carnival were covered. (Towergate had taken over from Swinton in 2018).</p> <p>JM noted that £500.00 of the allowance for Children's Entertainment was already committed.</p> <p>Need to obtain more paid adverts to offset the cost of the Programme (£500.00) and provide sponsorship.</p> <p>The provision for prizes for Procession Floats was £600.00. Need to review the various Classes and prizes. This would impact on the trophies required, some of which were not in good condition. Those selected for use would need to be engraved with the appropriate details of the Class.</p> <p>Grant Applications: JM to apply for One Stop Grant.</p> <p>OT advised that a Grant Application to Ledbury Town Council needed to be submitted in the next few days. OT to forward application to JM to complete.</p>	<p>JM</p> <p>JH/JM</p> <p>JM</p> <p>OT/JM</p>
5.	<p>LEDBURY CARNIVAL 2022: The options for 2022 had been discussed at the Meeting on 12 January 2022.</p> <p>(a) Full Carnival with Street Procession</p> <p>(b) Smaller event – Ledbury Carnival Party in the Car Park</p> <p>The recommendation at the Meeting had been to aim for Option A, Full Carnival, and Street Procession.</p> <p>Attendees agreed to support this recommendation. JJ noted that KF had emailed to confirm his support of the proposal too.</p>	
6.	<p>MAIN EVENTS, BANDS, CHILDREN'S ENTERTAINMENT ETC.:</p> <p>Children's Entertainment: JJ and JM had booked the following Children's Entertainment:</p> <p>Looby Lou (Face Painter) and Joey the Juggler.</p> <p>DJ Chris – Children's Disco.</p>	

	<p>Bands: Higher profile band needed for High Street, perhaps smaller ones for St Katherine's Car Park.</p> <p>SH and JM to liaise re entertainment, stalls, Rowlands Fair etc.</p> <p>More colour and music required for Procession. JJ had made initial approach to Gemma Hinton at Dance in Motion.</p> <p>JM had made contact with Hereford Hospital Radio.</p> <p>JJ had contacted ABE re the provision of lorries for staging and for floats. Awaiting response.</p> <p>Need to explain to organisations involved that these were initial contacts and SH as Entertainment Co-ordinator would continue the liaison.</p> <p>Entertainments Licence to be applied for from Herefordshire Fire Council.</p>	<p>SH/JM</p> <p>JJ/JM</p> <p>SH</p>
7.	<p>STALLS AND STREET ORGANISATION: JM had 'soundchecked' some Charity and Voluntary Organisations who had seemed keen to be involved again. It would be a case of 'first come, first served' to be positioned on the High Street.</p> <p>As mentioned earlier, the Horticultural Society would be holding their event in the Community Hall again. JM hoped that sufficient other groups, such as Ledbury in Bloom, Allotment Association, Flower Guild etc. could be persuaded to form a 'cultivation area' in St Katherine's Car Park, as had been the case for 'Party in the Car Park'.</p> <p>The Fair to be in Pine Street (larger rides) and smaller activities in the Car Park.</p> <p>JM suggested that Bye Street, Car Park may be a better location for DJ Chris and some of the stallholders that required a quieter space as it was a more compact space than St Katherine's. Whichever location was used, very clear signage would need to be in place.</p> <p>Decision to be deferred until the next meeting.</p>	<p>COMMITTEE</p>
8.	<p>PROCESSION: Road Closure and Related Work: Discussed under Item 2</p> <p>JJ had received the paperwork from Fiona Miles at BBLP re the Road Closure and Loan of Equipment etc. Completed paperwork needed to be submitted in April. Fiona had dates and copy of procession route.</p> <p>JH had agreed to be the Procession Co-ordinator and deal with entries for floats etc.</p>	<p>JJ</p>
9.	<p>CARNIVAL PRINCESS: Thank You Event: No report in LC's absence.</p>	

	<p>LC had agreed to stay on for the remainder of the current Carnival Princess and Attendants year and would arrange their 'Thank You Tea'. LC would then be standing down.</p> <p>The need for a replacement Co-ordinator had been circulated via the Carnival Facebook Page. Continue to highlight the need as a new Coordinator was needed very soon.</p> <p>Judging Arrangements for 2022 Competition: Aim to hold the competition during May in order that there was a new Princess and Attendants in place for the Jubilee Weekend, 2 – 5 June 2022.</p> <p>JJ to send LC's contact details to OT re World Book Day, 5 March 2022.</p> <p>OT to forward details of events for the year that Princess and Attendants could be invited to. The Town Council were in the process of creating a calendar of events.</p>	<p>LC</p> <p>COMMITTEE</p> <p>JJ</p> <p>OT</p>
10.	<p>RAFFLE AND SHOP WINDOW COMPETITION: JH had offered to take this on in addition to being Procession Co-ordinator. (JM and JJ would try to support).</p> <p>JM had obtained licence for raffle.</p> <p>Number of tickets required could be decided nearer the time.</p>	<p>JH</p> <p>JM</p>
11.	<p>FUNDRAISING AND SPONSORING: Covered under Item 4.</p> <p>Letters to be forwarded to local businesses and Traders Association during March.</p> <p>Consider holding a quiz at the British Legion Club, as in previous years, the same weekend as the Princess Judging.</p>	<p>JM</p>
12.	<p>PROGRAMME AND PUBLICITY: JC asked if Schools would be approached to design the front cover, as in previous years?</p> <p>JM suggested that the winning entry from the Photography Competition, a tribute to Andy Ward, as discussed at previous meeting, could be used for the front cover.</p> <p>Photographs from previous year's Carnivals could be submitted, a maximum of three entries per person.</p> <p>Tribute to Andy Ward to be included in the Carnival Programme.</p>	
13.	<p>HEALTH AND SAFETY: JM had contacted St John's Ambulance to book the provision of First Aid cover. Awaiting a response re the price.</p> <p>Health and Safety Policy to be reviewed.</p>	<p>JM</p> <p>Committee</p>
14.	<p>A.O.B.: Late Andy Ward – Former Manager of the Talbot Hotel Ledbury: Andy had been a great supporter of Ledbury Carnival and many other groups in the Town.</p>	

	<p>JM had proposed creating the Andy Ward Trophy for a Carnival Photography competition. Entries to be based on previous year's Carnivals. This would be a fitting tribute to Andy; he could often be found out and about on Carnival Day taking photographs.</p> <p>Attendees agreed to support this proposal. (KF had also agreed support via email).</p> <p>Publicise competition March/April 2022 with deadline for entries to be submitted by end May 2022.</p> <p>Approach Gaynans re Trophy.</p> <p>Working with Other Carnival Organisations: JM reported that Ross-on-Wye were holding their Carnival on Saturday 6 August 2022.</p> <p>JM had approached Craig and Andrew from the Ross Committee to ask they if they could help with Stewarding at Ledbury Carnival, as they had in the past. Waiting to hear.</p> <p>Usually, representatives from Ledbury Carnival Committee would help at the Ross Carnival to reciprocate. JM said that she and her sister could attend. Was anyone else available?</p>	JM
15.	<p>JC thanked everyone for attending and the meeting closed at 9.40 pm.</p> <p>DATE AND VENUE OF NEXT MEETINGS: WEDNESDAY 9 MARCH 2022 7.30 PM WEDNESDAY 13 APRIL 2022 7.30 PM LEDBURY MARKET HOUSE</p>	

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 19(b)
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Report prepared by Angela Price – Town Clerk

RURAL MARKET TOWN GROUP (RMTG) – LOCAL COUNCILLOR PANELS – RURAL VULNERABLE YOUNG AND OLDER PEOPLE

Purpose of Report

The purpose of this report is to ask Members to give consideration to nominating a representative to act as an Outside Body Representative on the above committee.

Detailed Information

Ledbury Town Council is a member of the RMTG and as a member of this group the following communication has been received from the RMTG asking for councils to consider nominating representatives to a new panel of councillors.

"We are establishing two virtual panels from our Rural Market Town Group, one with a focus on Young People in Rural Areas and one with a focus on Older People in Rural Areas. We would be grateful if you could nominate a Councillor from your Local Council that has an interest in each of these issues, it may be the same Councillor or a different one for each panel. This involvement would require them to participate in filling out a few online surveys in the future.

Focus on Young and Older People in Rural Areas

At our previous RMTG meeting we committed to further explore the topic of Young and Older People in Rural Areas. Both groups have been affected by the cutbacks resulting from years of financial austerity before Covid and the pandemic will only have worsened that situation.

Many services in rural areas have been reduced or discontinued and this can result in greater risk of these groups becoming more vulnerable. Lack of viable public transport options, difficulties accessing health and care support services and poor connectivity all exacerbate this situation. We would like to set up a list of a nominated contacts for each Local Council for Young People and Older People respectively to form Virtual Panels. These representatives will not necessarily be the appointed representative but will be the Councillors who have a specific interest in Young or Older People.

What will these virtual panels do and how will they work?

While we do work with other National bodies and organisations exploring the challenges facing Young and Older People in rural areas, we would greatly appreciate input from those who are actually in the local

communities. We appreciate that your time is limited, however we are keen to understand the issues facing both groups from a local perspective. Therefore, to gain invaluable insight from you we propose to send online surveys to nominated Councillors (a maximum of 3 surveys per year). These online surveys would be easy and would take a maximum of 5-10 minutes to complete. The input provided by the Councillors via these surveys would be invaluable as it would provide us with real local knowledge and opinions to help inform our national campaigning – [Revitalising Rural](#).

How can your local councillor get involved?

If you wish to be a part of the virtual vulnerability panel on young and/or older people in rural areas (or know a councillor at your local authority that would be interested), we would be grateful if you could complete the short survey below which asks you to provide nominated councillor names and their contact details. The contact details collected will be used in the future to get in touch with relevant surveys and information."

Recommendation

Members are requested to give consideration to appointing a representative to the Rural Market Town Group (RMTG) – Local Councillor Panels – Rural Vulnerable Young and Older People

Agenda Item
19(c)

**MINUTES OF LEDBURY STRÖMSTAD TWINNING ASSOCIATION
TUESDAY 1 FEBRUARY 2022 – VIRTUAL**

PRESENT: Caroline Alexander (CA) – Chairman), Pauline Bates (PSB), Clive Jupp (CJ), Jill Jupp (JJ), Howard Mayell (HM) and Steve Onions (Vice Chair) Ledbury Swifts (SO)

APOLOGIES: Robert Barnes (RB), Carol Barnes (CB), Phil Bettington (PB), Sue Bettington (SB), Mal Hughes (MH) Sue Hughes (SH) (both Ledbury Community Choir), and Hilary Jones (HJ)

IN ATTENDANCE: None

ITEM NO:	SUBJECT	ACTION
1.	WELCOME AND INTRODUCTIONS: SO welcomed everyone to the meeting. (CA present but not in 'good voice' owing to illness).	
2.	MINUTES OF PREVIOUS MEETING AND MATTERS ARISING: The minutes of the previous meeting of 22 November 2021 had been circulated prior to the meeting. They were agreed and signed by CA as a correct record.	
3.	TREASURER'S REPORT: In SO's absence, JJ reported that the balance in the Bank Account was £14,668.	
4.	ARRANGEMENTS FOR TWENTIETH ANNIVERSARY CELEBRATIONS 2022: Family Event on Recreation Ground: JJ noted that the feedback from the Swedish were that they were unlikely to attend on the weekend of 25 June as it was the date of Swedish Midsummer and they would want to be at home in Sweden. Ledbury Poetry Festival would be taking place Friday 1 – Sunday 10 July 2022, and these weekends would be a good time to have the Ledbury Celebrations. After discussion it was agreed to hold the event on Saturday 2 July 2022. The event to be held in the Recreation Ground with a Swedish Pole and traditional Swedish dancing which could involve local school children. Ledbury Community Choir to attend and sing some Swedish songs at the event. Swedish Pole to be made by SO and NF.	SO/NF

POSTPONED

POSTPONED

5.	<p>EDUCATIONAL LINKS WITH LOCAL SCHOOLS – LEDBURY AND STROMSTAD: A link up between students from Whitecross School and the Strömstiernaskolan, via Teams, with their teachers Katie Horne and Ninni Liljestrand is planned for 23 March 2022 over the lunchtime period. The topic will be the Carbon Circle and the Human Impact on the Carbon Circle and the Environment. A project on plastics and the environment was also due to start that week.</p> <p>Need to approach local schools and 'sow seeds' again to encourage further links.</p>	
6.	<p>TALKS TO LOCAL GROUPS: A talk to Ledbury Probus was scheduled for Monday 14 March 2022 in the morning.</p> <p>Speak to Ledbury Ladies Welcome Club again, a good number of years since the first one had taken place. JJ/HJ to arrange.</p> <p>Ledbury and Bromesberrow Primary Schools and Ledbury Brownies to be approached re talks.</p>	<p>JJ/CA</p> <p>HJ/JJ/CA</p> <p>JJ</p>
7.	<p>SOCIAL EVENTS AND FUND RAISING: See Item 4 above Twentieth Anniversary ideas.</p> <p>Quiz: at the British Legion Friday 13 March 2022. David Williams would be Quiz Master as before.</p> <p>Fliers to be circulated.</p> <p>Smorgasbord Evening: Further Smorgasbord evening at The Talbot Hotel. Suggested date Saturday 25 June 2022 7.30 pm. JJ to approach Richard at the Talbot.</p> <p>Recipe and suggested menu to be compiled and then liaise with Wayne Chef at The Talbot.</p>	<p>HJ/JJ/SO</p> <p>JJ</p> <p>JJ/CA</p>
8.	<p>SPRING NEWSLETTER AND MEMBERSHIP RENEWAL: End of March.</p>	JJ
9.	<p>ANDY WARD TRIBUTE: Many tributes had been paid to Andy and the Association had placed an article in the Ledbury Reporter, highlighting Andy's support for the Association and the high esteem that visitors from Sweden held him in. Peter Birgersson Dafteryd, Strömstad Kommun, had also contributed to the article.</p>	

POSTPONED

	<p>HM spoke about the possibility of arranging a 'Celebration of Andy's Life'. Helen Embrey, former member of staff at The Talbot and good friend of Andy and Maria had been in contact with HJ in this regard.</p> <p>There were complications, costs of use of the Parish Church, Community Hall, who would lead a 'Service/Celebration'.</p> <p>Helen had already been advised of the above.</p> <p>A discussion took place. The Twinning Association would want to support such an occasion but could not organise it. May be better to incorporate something into the re-opening of Little Strömsta on Sunday 3 July 2022, with a plaque and a toast to Andy's memory.</p> <p>CA left the meeting at 8.50 pm.</p> <p>JJ spoke about the donation from the Strömsta Kommun in Andy's Memory. The Kommun had expressed the wish that the donation went to the Twinning Association; Maria had not specified a charity in Andy's memory and he was a great supporter of the Association. Amount to be confirmed.</p>	
10.	<p>A.O.B: None.</p> <p>The Meeting closed at 9.00 pm. SO thanked everyone for attending.</p>	
11.	<p>DATE OF NEXT MEETING: Tuesday 22 March 2022 Venue: Leadenby Market House. JJ to contact the Office re date availability.</p>	JJ

POSTPONED

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 20
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Report prepared by Angela Price – Town Clerk

HEREFORDSHIRE COUNTY DESTINATION BID – COUNCIL REPRESENTATION

Purpose of Report

The purpose of this report is to ask Members to consider whether to become a member of the BID Company and become eligible to stand as a director on the Herefordshire County Destination Bid.

Detailed Information

On 16 March, the following correspondence was received by the Clerk:

"As you can imagine things are moving fast with the Herefordshire County Destination BID. The board of directors will be decided in the coming weeks with the application deadline being 25th March 2022.

It is really important that we have representation from the market towns and require one market Town Council to stand on the board. To be eligible to stand as a director the town council will first need to become a member. Each town council can become a member of the BID company for the minimum cost of £240.

As such Mo from mosaic has offered to do a zoom to answer any questions you may have around the destination BID and offer a bit more information on the process."

A meeting has been scheduled to take place with Clerks on 29 March 2022 to discuss this further, and we have been advised that whilst the deadline for applications is 25 March it will be possible for applications to be submitted after this date.

Recommendation

Members are requested to give consideration to:

- a. Becoming a member of the BID Company at a cost of £240?
- b. To apply to stand as a director of the BID Company?

POSTPONED

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 21
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Report prepared by Angela Price – Town Clerk

LEDBURY YOUTH DROP-IN

Purpose of Report

The purpose of this report is to ask Members to consider a request from Councillor Chowns in respect of the provision of a youth drop-in centre.

Detailed Information

The following email has been received from Councillor Chowns for consideration by Council:

"I should like to encourage debate of, and support for, the spending of some of the funds that appear to be becoming available to Ledbury for 'enhancing the public realm' in the extension and refurbishment of the 'old Youth Centre'. This is, of course, Herefordshire Council property and it is currently leased by Busy Bees. After the BBI was no longer available to the Ledbury Youth Activities Support charity to operate the Youth Drop-In this building was briefly considered as an alternative, since Busy Bees do not utilise the southern half of the building - or at least not the first floor. The idea had some support from trustees of Busy Bees, but not apparently from their staff and some of the parents/users - and so was not pursued.

*My vision is that Herefordshire Council should be asked, **as a matter of urgency**, to consider adapting the building so as to allow Busy Bees and LYAS to both use the premises. This would entail creating a separate entrance and toilet facilities for Busy Bees at the NE corner of the building, using some of the parking space.*

As you may know, the projected plan for the Drop-In to operate in the old Magistrates Court has now been dropped.

There are, I am told, dozens, if not hundreds of young people involved in sports activities and uniformed organisations in Ledbury - which is very encouraging. But we also know there is a need for working with the minority of troubled youngsters. There are, I understand, trained and experienced youth workers in Hereford who might be approached by LYAS to help put the Drop-in on a firm footing once new premises become available. Although the former team of volunteers will probably step forward again, they are two years older now, and something like the Drop-in needs to be operated by lively and younger people.

Can we make this a priority for 2022/23 please?"

Recommendation

Members are asked to give consideration to the request from Councillor Chowns and agree to support his suggestion to utilise the building currently occupied by the Busy Bees Nursery as detailed above.

POSTPONED

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 22
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Report prepared by Julia Lawrence – Deputy Town Clerk

DOG HILL WOODS

Purpose of Report

The purpose of this report is to ask Members to give consideration to a programme of works being drawn up and commitment given by council to progress in respect of Dog Hill Woods, Ledbury.

Detailed Information

In January 2022, officers presented a copy of the Woodland Management Plan dated 25 February 2015 V1.1, together with a copy of the English Woodland Grant Scheme Contract for Dog Hill Woods to Members of the Environment & Leisure Committee.

At that meeting in January 2022, Members expressed a desire to kick-start a programme of works in Dog Hill Woods as it was acknowledged that despite having a Woodland Management Plan in place nothing had been done for several years. Such works would include coppicing of trees, hedgerow and footpath maintenance, repairs/remedial works to wooden/metal benches, CCTV signage and the replacement of the two geo-signs.

Following the meeting in January 2022, Councillor Whattler and the Deputy Clerk visited Dog Hill Woods and made an inventory of all the benches and what they felt was needed in terms of repainting or repair works. Quotes have been requested to reproduce the geo signs, which has taken longer than anticipated due to there being no artwork available. There are some CCTV signs on trees near to the geo sign at Green Lane (Church Street end) but their visibility is limited due to tree branches growing over them as shown on the attached photographs.

In the meantime, the Deputy Clerk has approached Guy Tustin, who specialises in woodland and countryside management, and who provided up the original Woodland Management Plan, to ascertain how the council could put in place a programme of works. Unfortunately, to do any 'real' works has now passed for this season as bird nesting is upon us. However, before considering the proposals put forward by Guy Tustin below, Members are requested to make a commitment to carrying out improvements to Dog Hill Woods in terms of spending money to benefit the woods as well as making it a real asset for Ledbury Town.

Guy Tustin has suggested that the following works need to be considered now as part of a programme of works, in readiness to start when the time is right.

- 1 Firstly, it would be sensible to appoint a Woodland Manager/Agent who would oversee any such works, agree a plan of operations and areas of the woodland that need targeting as priorities, as well as being able to advise Ledbury Town Council as to the best course of action in order to enhance Dog Hill Woods.
- 2 Historically, the eastern side has been coppiced for hazel on a rotational basis but the woodland canopy does need to be thinned to allow the understory to thrive. For the benefit of the woodland, this needs to be carried out as it is believed that the woodland was last thinned by St Regis in the 1980's. Generally speaking, the whole of the woodland needs to be thinned but this could be done over time and in sections so as not to impact on wildlife and members of the public. This programme could be overseen by the Woodland Manager/Agent.
- 3 It is believed that there is no up to date tree safety report and this could be the responsibility of the Woodland Manager/Agent to oversee.
- 4 Establish volunteer groups, who could assist in hedge laying or footpath maintenance.
- 5 As an amenity woodland, there is lots of potential for this woodland. For instance, establish various groups for bats, birds, fungi, flora and fauna which could be open to different age groups from juniors through to senior citizens. Consideration would need to be given regarding insurance cover and having appropriate DBS checks when working with children and/or vulnerable groups.
- 6 Members will be aware that the steps/path leading up to the Woods from Church Street/Green Lane can be tricky, especially for older people. This can be overcome but again consideration will need to be given as to what should be done in terms of making it easier. Likewise, consideration could also be given to the entrance at the north end of the Woods which looks uninviting and this could be improved along with the small car park if Ledbury Town Council is wishing to enhance this asset and encourage more people to use these facilities.

Recommendation

- 1 That Members agree to commit to the future of Dog Hill Woods, investing both time and money, to ensuring it becomes a valuable asset of Ledbury.
- 2 That Members consider the proposals put forward by Guy Tustin and agree to appoint a Woodland Manager/Agent, subject to obtaining three quotes, who would then initiate a programme of works. If this approach was to be adopted, it would be advisable to appoint someone sooner rather than later bearing in mind that the woodland season is only six months long per annum.

DOG HILL WOODS - CCTV SIGN



DOG HILL WOODS - CCTV SIGN



FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 23
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MARKET TOWN MAINTENANCE FUND

Purpose of Report

The purpose of this report is to ask Members to give consideration to the attached report and recommendations on what public realm projects the Market Town Maintenance Fund could be spent on within Ledbury.

Detailed Information

The attached report was submitted to a meeting of the Planning Committee held on 10 March 2022. At that meeting it was resolved that the content of this report should be submitted to Full Council for consideration of the list provided by Herefordshire Council and also the suggestions within the Clerk's report.

In addition to these projects Members are requested to give consideration to providing some funding in support of the Master's House Project to enable this project to be completed.

Also, subject to the outcome of the debate requested by Councillor Chowns in agenda item 17 consideration be given to providing funds from the £350,000 for a youth drop-in centre being established on the upper floor of the Busy Bees building.

Recommendation

1. Members are requested to give consideration to the attached report and agree to accept the projects listed by Herefordshire Council at the cost of circa £93,000.
2. Members are requested to give consideration to the following projects:
 1. To repair safety barriers at various locations within the town
 2. To repair paving slabs in High Street and Homend shopping areas
 3. To repair the cobbles on Church Lane
 4. To repair/improve the condition of play areas around Ledbury
3. That Members give consideration to providing some funding in support of the Master's House landscaping project to enable this project to be completed.
4. Subject to the outcome of the debate requested by Councillor Chowns in agenda item 17 consideration be given to providing funds from the £350,000 for a youth drop-in centre being established on the upper floor of the Busy Bees building.

PLANNING COMMITTEE	10 MARCH 2022	AGENDA ITEM: 13
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Report prepared by Angela Price – Town Clerk

MARKET TOWNS MAINTENANCE FUND

Purpose of Report

The purpose of this report is to advise Members of the Planning Committee of funding that has been allocated by Herefordshire Council in respect of the five Market Towns in Hereford for the next two financial years.

Detailed Information

On 3 March 2022 the Clerk and Deputy Mayor attended a meeting at Herefordshire Council to discuss funding that Herefordshire Council had identified for all five Market Towns in Hereford. This funding is being provided as "Market Towns Maintenance Fund" and each town council is being asked to provide input into how it could be best spent in their locality.

The funding available to each town amounts to the following:

2022/23	-	£350,000
2023/24	-	£200,000

The funding is available to be spent on maintenance and improvement projects within Ledbury and at the meeting Herefordshire Council officers advised that this could be used to undertake projects that have been highlighted to Herefordshire Council in the past, but that were not considered priorities. It is possible to use it on projects that will require design and build processes, however as these take longer to progress it was suggested that these types of projects could be put in motion in year 1 with a view to them being completed in year 2. However, it should be noted that Ledbury has considerable development coming its way in the future which will bring S106 monies for new design and build projects and it was suggested that these types of projects should still be considered under S106 to enable the most to be made of the funds now being made available for maintenance and improvement projects.

The officers were keen to make use of the funding as soon as possible and stated that the funds would be available to the town council with effect from 1 April 2022.

Hereford officers had provided a map with some suggestions of the type of projects that could be considered, however this list is not exhaustive, and they would welcome other suggestions from the Town Council. The list provided as possible suggestions is as attached for consideration. One of the key area's officers highlighted within this list was the road resurfacing at Homend, Members will not that Councillor Harvey has recently advised that she had managed to get the resurfacing of the Homend from Tesco to the station spannered into the work programme, but that this would be at the

expense of other planned resurfacing on country lanes in the ward, but I hope it will be worth it as so many vehicles and cyclists use this route.

Other suggestions for projects that could be considered within this funding which could be done reasonably quickly are as follows:

5. To repair safety barriers at various locations within the town
6. To repair paving slabs in High Street and Homend shopping areas
7. To repair the cobbles on Church Lane
8. To repair/improve the condition of play areas around Ledbury

Ledbury were the first town to meet with Hereford and BBLP officers to discuss the Town funding and officers advised that the sooner the council can provide them with projects within the public realm for consideration under this fund the sooner they can start work on them.

Members need to be aware that once they have agreed a list of projects for consideration officers will need to provide evidence, information, and locations to Hereford and BBLP officers to enable them to assess each project and make progress and Members

Recommendation

1. That Members of the Planning Committee request that Grants Working Party identify projects that could be considered under the Towns Maintenance Fund and that a list be drawn up to be provided to the meeting of Council, scheduled for 31 March 2022, for consideration and submission to Herefordshire Council.
2. That a recommendation be made that Council give consideration to the list to be provided by the Grants Working Party and consider any additions to that list for submission to Herefordshire Council.

POSTPONED

Market Towns Funding

Ledbury

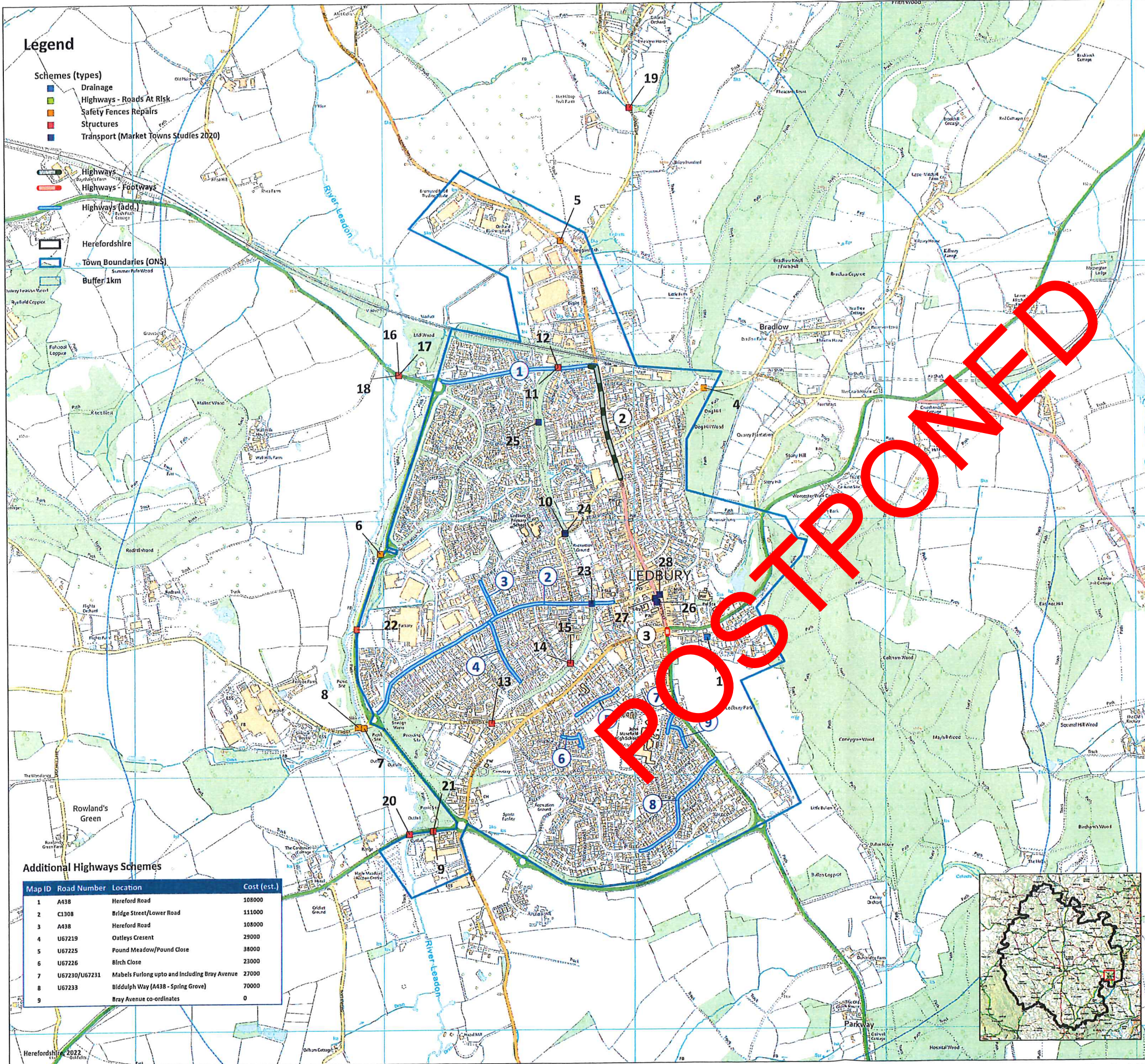
Map Notes

*Costs provided are just indicative for this initial stage and are not firm prices
*Market Towns Transport Studies - schemes identified within packages (in brackets)
*Schemes outside of the built-up areas included within 1km buffer

Legend

Schemes (types)

- Drainage
- Highways - Roads At Risk
- Safety Fences Repairs
- Structures
- Transport (Market Towns Studies 2020)



Additional Highways Schemes

Map ID	Road Number	Location	Cost (est.)
1	A438	Hereford Road	108000
2	C1308	Bridge Street/Lower Road	111000
3	A438	Hereford Road	108000
4	U67219	Oatleys Crescent	29000
5	U67225	Pound Meadow/Pound Close	38000
6	U67226	Birch Close	23000
7	U67230/U67231	Mabels Furlong upto and including Bray Avenue	27000
8	U67233	Biddulph Way (A438 - Spring Grove)	70000
9		Bray Avenue co-ordinates	0

ID	AMS Ref.	Name	Type/Cat.	Cost (est.)	Works/Comments
1	N01800010	U67209 HORSE LANE ORCHARD	Drainage	10000	On Site Job - CCTV here. Need to carry out a survey here to ascertain the problem and dig down / clear as appropriate.
2			Highways	87187.5	Resurfacing
3			Highways - Footways	30000	Footways
4		Knapp Lane *	Safety Fences Repairs	10000 (approx.)	
5		Beggars Ash *	Safety Fences Repairs	10000 (approx.)	
6		Ledbury Bypass *	Safety Fences Repairs	10000 (approx.)	
7		Little Marcle Road South	Safety Fences Repairs	10000 (approx.)	
8		Little Marcle Road North	Safety Fences Repairs	10000 (approx.)	
9	BB1095	Biddulph Arms No.3	Structures	750	Replace downstream parapet post and rail system with new RC posts and double rail. Current system is collapsing and is approximately 7m long.
10	BF7720	Orchard Lane	Structures	200	Replace missing timber approach rail on the North side of the structure
11	BR3601	Ledbury West Railway	Structures	1500	remove veg from parapets, wing walls and retaining walls to allow full inspection
12	BR3601	Ledbury West Railway	Structures	1000	Reset stone pillar at the end of the South West wing wall
13	DIV7120	Little Marcle Lane	Structures	250	Do veg footpath and repair uneven areas with tarmac
14	BB0234	Woodleigh Road (Railway)	Structures	1000	Rub down, undercoat and re paint South West steel parapet rails.
15	BB0234	Woodleigh Road (Railway)	Structures	500	Replace 2 x missing masonry sections in the North East wing wall at embankment level
16	BB0306	New Mills	Structures	500	Reset loose end coping on the downstream left parapet
17	BB0306	New Mills	Structures	250	repoint crack in c/w side of u/s parapet. repoint crack/separation of upstream and longitudinal fracture of upstream
18	BB0306	New Mills	Structures	1500	29 - Remove 400mm dia tree from u/s right training wall, remove sapling growth shown in photos, fill cracks and voids with masonry and mortar.
19	BB0846	Frith Farm Culvert	Structures	500	Replace sections of missing masonry in the upstream right abutment
20	BB1093	Biddulph Arms No.1	Structures	0	Treat corroded rebar and repair spill in soffit on the u/s end
21	BB1095	Biddulph Arms No.3	Structures	1000	Replace spalled bricks on the upstream right spandrel. Replace 2 x spalled bricks on the upstream arch ring at the left quarter point. Clear vegetation and rebed all copings above the upstream spandrel.
22	BB0077	Fairtree Farm Culvert	Structures	1500	build up thickness of Sub base path above culvert pipe on d/s footpath to protect top of culvert Use Terram Geocell or equivalent to reinforce the sub base and prevent erosion.
23	(B)8	Pedestrian	Transport	80	Town Trail crossing at road level (former bridge filled in). No direct alignment on desire line, or dropped kerbs. Suggested table to slow traffic and improve ease of crossing.
24	(A)5	Pedestrian	Transport	120	Existing bridge built 1989 with effective width of 900mm, 19m span. Need to establish condition of existing abutments and suitability to support any new deck. Looking for a minimum 3m effective width.
25	(C)45A	Town Trail Refurbishment	Transport	5106	Unsurfaced, raised section with no lighting. Sensitive for ecology and relationship to residential properties
26	(B)35	Public Transport	Transport		Commuted sums required. Real Time Information being rolled out as funds allow across the County.
27	(B)34	Public Transport	Transport		Works should be included in a larger scheme, or standalone improvements could be undertaken.
28	(B)25	Highways	Transport		Town centre enhancement scheme to reduce dominance of road space and enhance opportunities for events without road closures. Works would encompass public transport improvements, resurfacing and repaving works.

Task Ref:
Scale: 1:8,000
Date: 18/03/2022

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Balfour Beatty

Herefordshire Council

Working for Herefordshire

2531

FULL COUNCIL	31 MARCH 2022	AGENDA ITEM: 24
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Report prepared by Angela Price – Town Clerk

UPDATE ON PROGRESS ON WAR MEMORIAL REPAIRS

Purpose of Report

The purpose of this report is to provide Members with an update on the progress being made in respect of the War Memorial repairs.

Detailed Information

At the meeting a council held on 9 February 2022, it was resolved that the Council would make arrangements for the repairs to the War Memorial to be expedited.

Following that meeting the Clerk contacted Caroe with the Council's choice of Structural Engineer and O'Brien Price have now been appointed to act as the Structural Engineer for this project.

Further to this the Clerk contacted both Caroe, the Conservation Officer and councillors to arrange a meeting to discuss next steps in respect of the War Memorial repairs, however, it proved difficult to get all parties together on one date. Therefore, a meeting was arranged with Caroe on 11 March and the Conservation Officer on 18 March.

At the meeting with the Conservation Officer, they provided officers with information on what would be required in the planning application in respect of listed building consent to repair/restore the War Memorial. This information has been passed to Caroe, who have agreed to prepare the planning application and associated documents on behalf of Leabury Town Council.

When officers and councillors met with Caroe they were provided with a draft outline schedule of works that Caroe had put together. The schedule of works provides for testing to be carried out by the Structural Engineers and it is hoped these works will start towards the end of April.

The Conservation Officer has advised that subject to planning and listed building consent being issued without delays they would anticipate this being issued in June 2022, which would mean that the repair works could be undertaken soon after, this should allow for the works to be completed in plenty of time for the Service of Remembrance in November 2022.

The Clerk is currently looking into possible grant funding towards the required works to repair/restore the memorial and further information on this will be provided when available.

Recommendation

That members receive and note the above information in respect of the progress of the War Memorial repairs/restoration.

POSTPONED