

**PUBLIC QUESTIONS AND ANSWERS TO
AUDIT AND GOVERNANCE COMMITTEE
17 NOVEMBER 2020**

Mr C Barron and Ms B Vine, Ross on Wye

Question:

A Ross Gazette article published 28th October (<https://www.rossgazette.com/article.cfm?id=119893&headline=%E2%80%98Lack%20of%20debate%E2%80%99%20blamed%20for%20mass%20council%20resignations§ionIs=News&searchyear=2020&cat=Planning>) reported that Herefordshire Council's Audit and Governance Committee has asked the authority to check on resignations as a way of tracking where things are going wrong.

We wish to ask the Committee what investigations are being undertaken in respect of the underlying reasons for the resignations and the unusually large number of Code of Conduct complaints registered against Walford Parish Councillors?

Answer:

Herefordshire Council cannot comment on specific parish councils.

However, resignations from parish councils are monitored to ensure that they remain quorate and able to fulfil their statutory functions. If a parish council falls below its quoracy number, then Herefordshire Council have a legal duty to appoint Ward councillors to the parish council until it becomes quorate again. Resignations from a parish council are not investigated.

Resignations and code of conduct complaints follow two separate processes which do not cross over. A parish council could have a large number of code of conduct complaints which may not result in resignations.

When considering code of conduct complaints, the monitoring officer will take into account the number of complaints received during the year (and, if necessary, over the last couple of years) when considering how the complaint should be dealt with and any recommendations to the parish council or councillor.

Code of conduct complaints are monitored on a six monthly basis by the standards panel and any issues are reported to the audit and governance committee on an annual basis. If there are significant issues arising from a standards panel meeting before the annual report, then these would be reported to the next available audit and governance committee.

Supplementary question

Being aware that individuals can make Code of Conduct complaints to the Monitoring Officer, if a violation has taken place training is typically recommended. Since this is generally given by HALC how can Herefordshire Council be assured that it is effective in addressing the problems within a Parish Council? Wouldn't it be more appropriate for training to be delivered from within the monitoring authority?

Answer

When the monitoring officer makes a recommendation for training there is usually an option of who to receive that training from. However in some circumstances I do say, it must be training from myself or my team, so we do have that option. It is important for consistency given that the principal authority is the one that makes determinations on complaints that actually it is the principal authority that provides training but obviously there are other providers out there.

Although we are the principal authority, then I think people need to recognise that the parish councils and the unitary authority are completely separate bodies and we are only joined in very limited ways. One of them is that the parish councils tend to use our code of conduct arrangements, although of course there's no obligation for them to do so they can do their own code of conduct procedure and a few parish councils in the county do adopt their own. There are very limited options available under the code of conduct procedure as to how to proceed and I suppose just going through training reminding everybody that the Nolan Principles are to be adhered to and trying to persuade parish councillors of the importance of that is the crucial element. I know that we now append the Nolan Principles to the start of every agenda that we publish, I wonder if it's worth this committee writing to make that suggestion if it hasn't already been done that we suggest that parish councils actually do include an extra page in each of the parish council agendas so that all parish councillors can be reminded and the public can be reminded of the principles under which we perform public office. [Monitoring officer confirmed they would write to the parish councils to request this]