



Title of report: Code of Conduct for Councillors – 2024/25

Meeting: Audit and Governance committee

Meeting date: 15 July 2025

Report by: Head of Legal Services and Deputy Monitoring Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To enable the committee to be assured that high standards of conduct continue to be promoted and maintained. To provide an overview of how the arrangements for dealing with complaints are working together.

Recommendation(s)

That the Committee:

- a) notes the update on the Code of Conduct complaints arrangements in respect to the year-end period of 2024/25 to April 2025;
- b) notes the concept of more standardised informal resolution as set out in the draft proposals in Appendix 2;
- c) determines whether this proposed Informal Resolution Protocol (IRP) should be developed further as a possible first stage in any complaint (being a precondition of formally accepting a complaint under the Arrangements for dealing with a Code of Conduct Complaint against members); and

- d) if c) is adopted then to delegate to the Monitoring Officer (in consultation with the Chair of Committee) to bring a preferred option proposal back to this committee

Alternative options

1. There are no alternative options, the constitution requires the committee to annually review overall figures and trends from code of conduct complaints. This committee agreed that this should be 6 monthly and the committee's recommendation was approved by Council in March 2024. This report provides a summary of the work undertaken during the 2024/25 administrative year ('the review period').

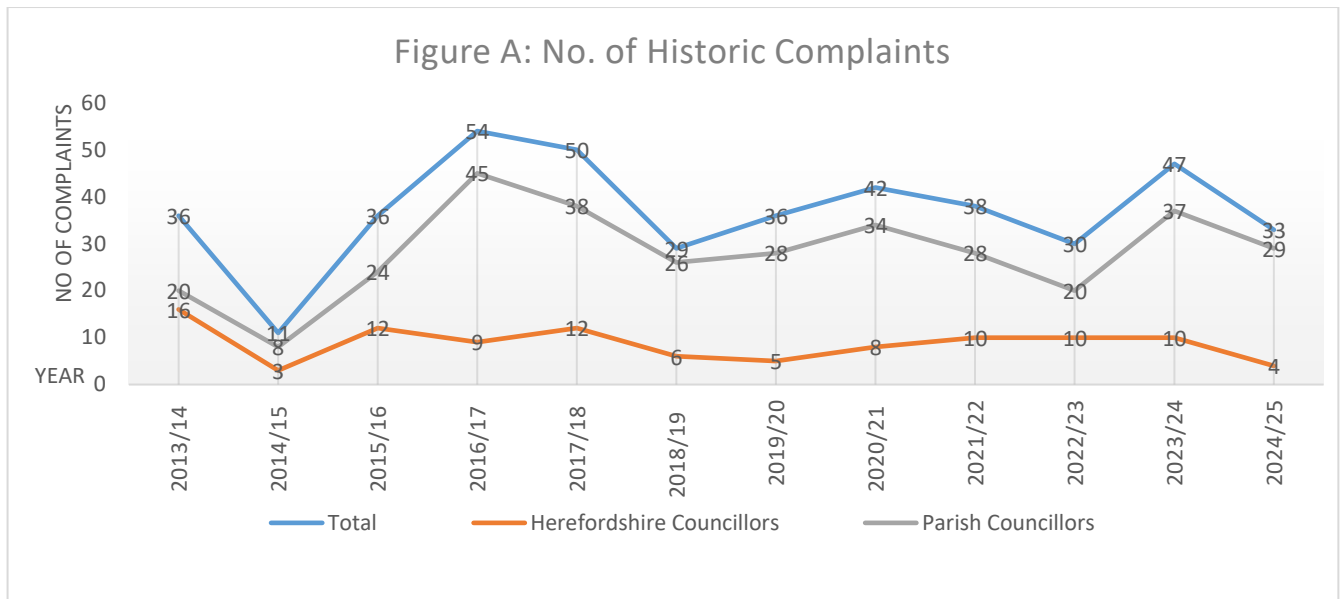
Key considerations

2. Herefordshire Council, and all parish, city and town councils in the county, have a statutory duty under the Localism Act 2011 to 'promote and maintain high standards of conduct by members and co-opted members of the authority'.
3. The Monitoring Officer is responsible for dealing with allegations that councillors have failed to comply with the members' code of conduct and for administering the local standards framework. The Committee is responsible for receiving an annual review by the Monitoring Officer.

Code of Conduct Complaints to September 2024

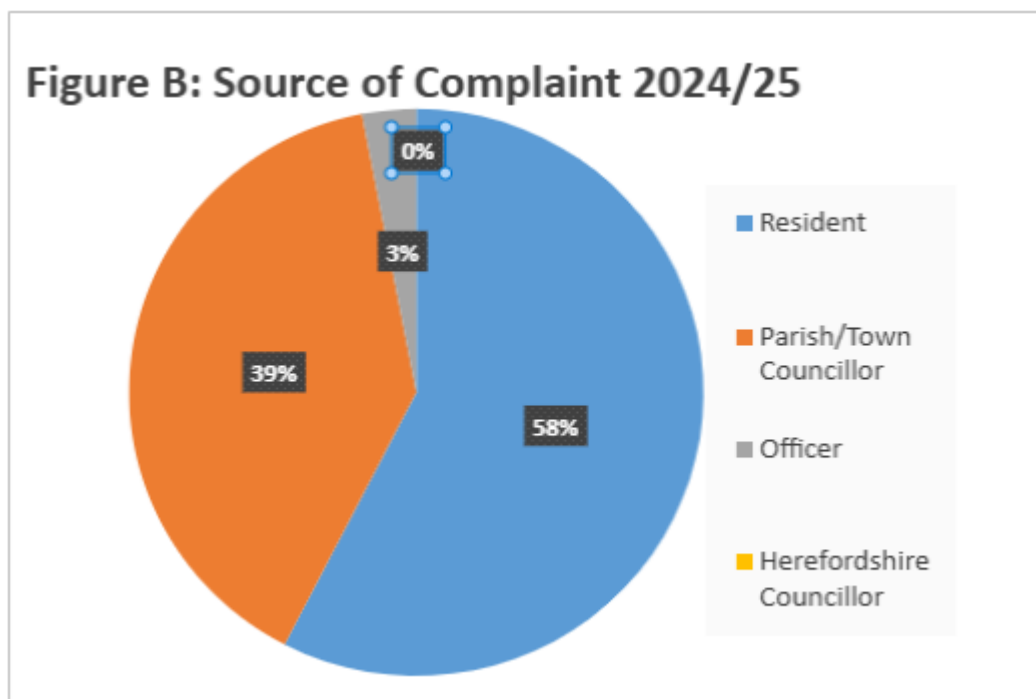
Number of Complaints

4. Since the introduction of the Localism Act 2011, the number of complaints handled by Herefordshire Council has been tracked. There are 53 Herefordshire councillors and approximately 1,300 parish councillors each of whom is subject to a councillor code of conduct.
5. Since the last update to this Committee, from 1 October 2024 the Council received a further 7 complaints over the last 6 months. The total for the year is 33 Code of Conduct complaints.
6. Figure A below shows the number of complaints received since 2013. The numbers had been reducing since 2021 but the year ending 31 March 2024 saw a significant increase in complaints. In the current administrative year, we have seen a fall in numbers. There has been a marked decrease in complaints against Herefordshire Council councillors (4). The remainder being against Parish/Town Councillors.



Source of Complaints

7. Figure B shows that the source of complaints are residents and Parish/Town Councillors. Complaints from Parish/Town Councillors are higher than last year (22% of all complaints). No complaints have been received from members of Herefordshire Council. One complaint was received from a council officer (in respect to a Parish/Town council).



8. Almost 4 in every 10 complaints received is raised by a Parish/Town Councillor about another Parish/Town Councillor. The view is that issues between Parish/Town Councillors are being 'resolved' using the Code of Conduct process. Anecdotally (from comments and correspondence), the reason appears to be that the local council is unable to resolve matters locally but sometimes it is evident that a referral to the Council is seen to be the automatic preferred option. The inability to resolve matters is sometimes due to the individuals and facts.

However, we are also aware that some informal resolution by the local council has made matters worse. The outcomes generated by the complaints are a poor use of resources when considering the substance of the complaints (see below). The trend appears to indicate that some Parish/Town Councillors use the Code of Conduct process to resolve differences of opinion or behaviours rather than matters being resolved by the Councils themselves. Local views continue to appear, that disputes and differences between Councillors should be dealt as a Code matter rather than the Councils having sufficient processes and resources to settle disputes within each council themselves. We are of course aware that there may be many instances where local disputes have been resolved informally and we are simply not aware of this.

9. Currently the Code of Conduct allows anyone to raise a complaint, and the local arrangements require the Council to receive and treat the complaint as valid under our local assessment and jurisdiction criteria. Although the process allows the Monitoring Officer to screen out any 'tit for tat' complaints, this still means that no local resolution may have been attempted and the screening process itself is time intensive and a poor use of resources.
10. At the meeting in January, it was reported that the majority of these complaints relate to respect. It was reported that some Parish/Town councils have signed up to the Society of Local Council Clerks (SLCC), Country Associations, National Association of Local Councils (NALC) and others [civility and respect pledge](#) which requires training for councillors and staff and to have good governance arrangements in place. Examples include Ross on Wye TC (June 2023), Leominster TC ([Sept 2022](#)), Hereford City Council and Ledbury [TC](#). Part of this requires each Parish/Town councils to have a local resolution process that needs to be followed. The intention appears to be to try and resolve any issue as early and quickly as possible.
11. Information provided by NALC had indicated that only 7 Parish/Town Councils have signed up to the pledge (4.6%) in Herefordshire. This is extremely low even compared to the national average of 17% nationally signed by Local Councils.
12. After the January meeting, the Monitoring Officer wrote to all Parish/Town Councils recommending that each local council adopts the pledge or some other form that includes a local resolution process and providing further advice about respect. Since that NALC has confirmed that 5 further other councils have adopted one, so far as they are aware. This includes Pixley & District PC, Ewyas Harold Group PC, Ocle Pychard Group PC, Stretton Grandison Group PC and Bosbury & Coddington PC.
13. The table Fig B1 below shows the outcome of 10 Parish/Town Councillor **sourced complaints** (where a Parish/Town Councillor raised a complaint) in 2023/24 and 13 Parish/Town Councillor sourced complaints in 2024/25.

Fig B1: Parish/Town Councillor complaints - outcomes 2023/24

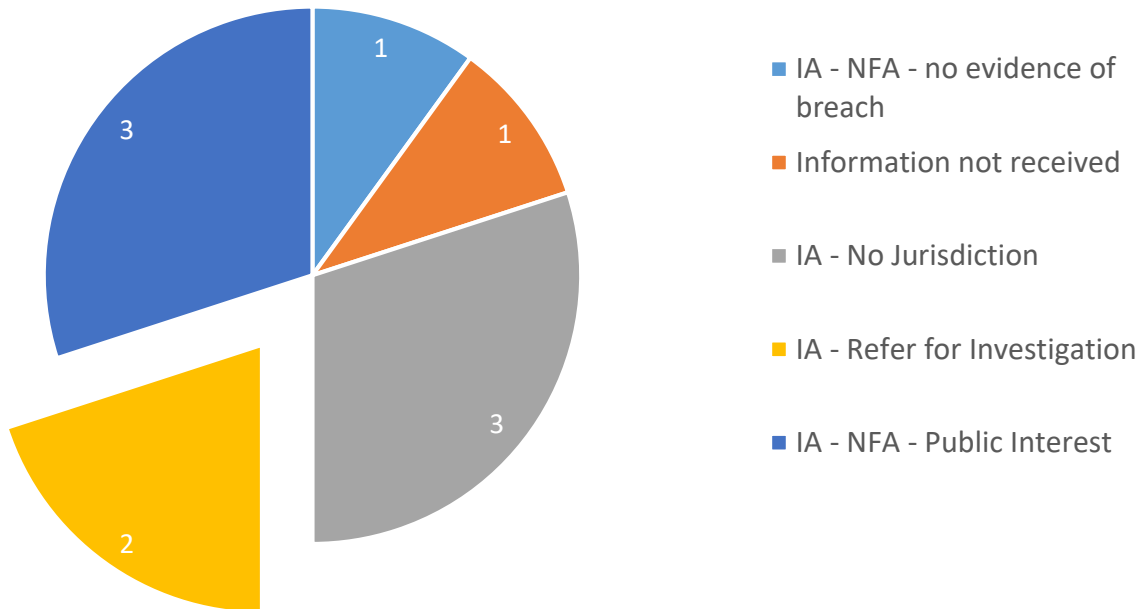
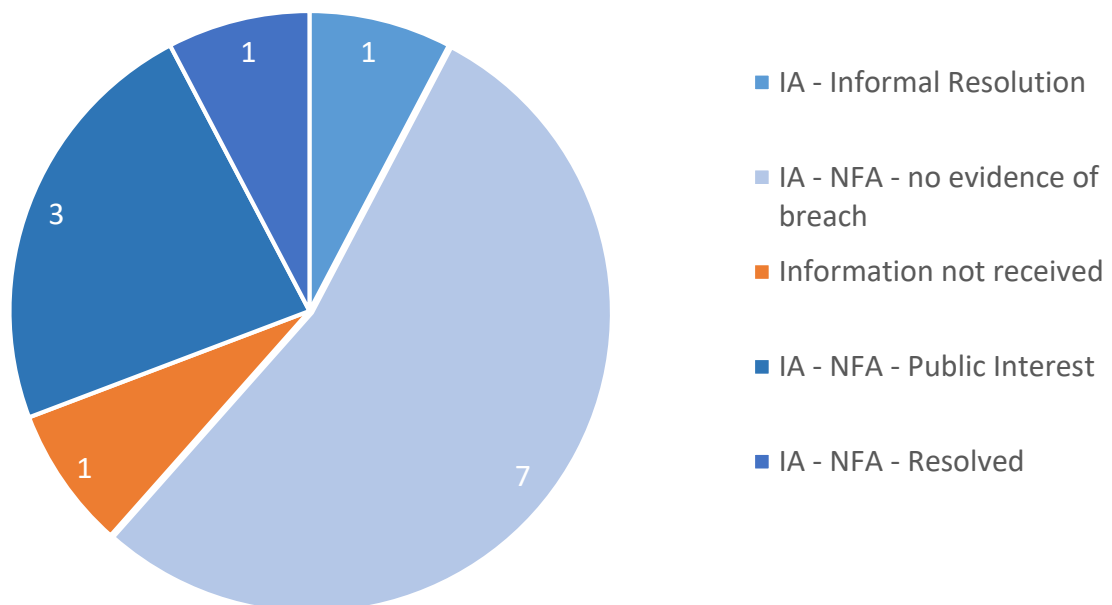


Fig B1: Parish/Town Councillor complaints - outcomes 2024/25



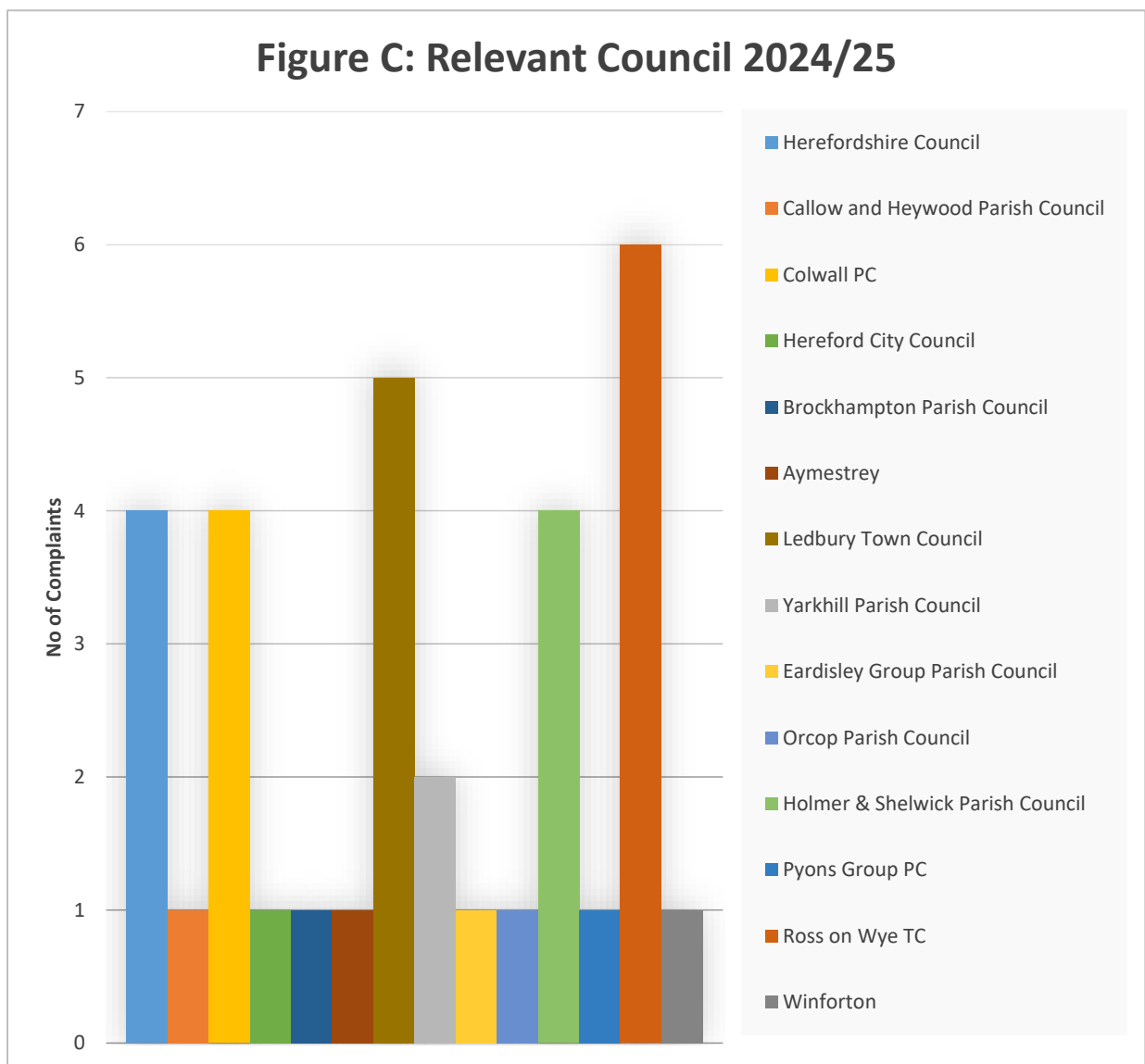
14. Only in **2** instances was a matter referred to investigation (meaning a potential breach) and no further action was taken at the initial investigation stage for **21** complaints due to no information being provided, the complaint being of minor affect, there not being evidence of a breach or the Councillor having already taken the remedial action to resolve the issue.
15. Although the number of complaints has fallen this year, almost 40% of all complaints in the review period relate to Parish/Town Councillor **sourced complaints** and all have been

discontinued at Initial Assessment stage. The numbers of Parish/Town Councillors sourced complaints that have attempted some form of local resolution first appears to be low.

16. The result is that 40% of all complaints are by Parish / Town Councillors about other Parish / Town Councillors. Of these, 21 of 23 were dealt with through an Initial Assessment. These are the complaints which could be dealt with informally by each Parish / Town Council.
17. In the last two years 6 complaints relate to Colwall PC, 3 complaints for Bartestree (but none in 2024/25), 3 complaints for Ledbury, 2 complaints for Belmont Rural and 4 for Holmer & Shelwick (4 complaints).

Relevant Council

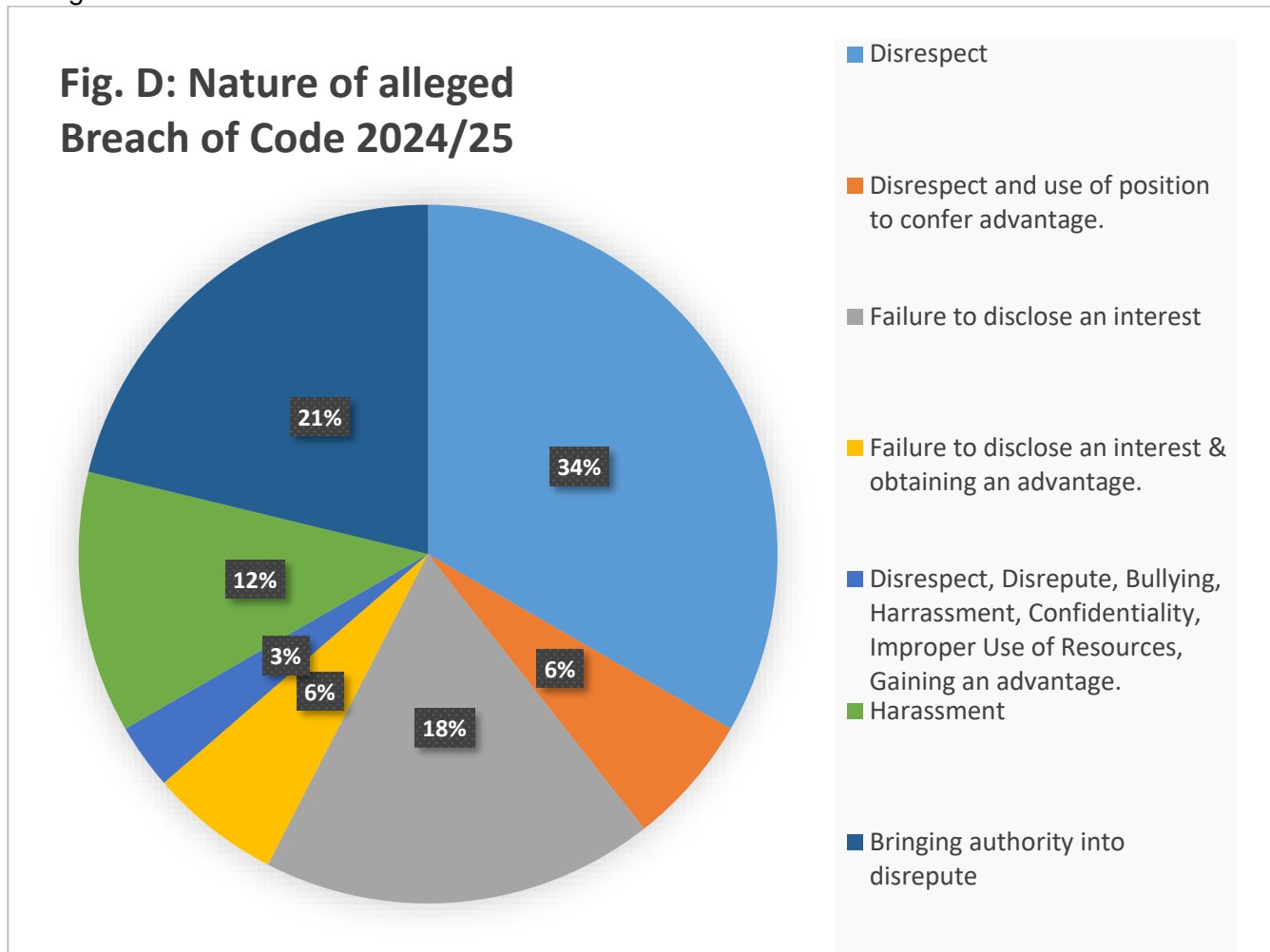
18. Figure C shows the council in which the complained about Councillor is located. The majority of complaints by number relates to members of Parish/Town Councils. Complaints were received in respect of 4 Councillors of Herefordshire Council.



19. It is noted that no complaints have been received in the review period in respect to Bartestree with Lugwardine where 14 complaints had been received in 2023/24. The highest proportion of complaints relate to Ledbury TC, Colwall PC, Holmer & Shelwick PC and Ross on Wye TC.

Nature of Complaints

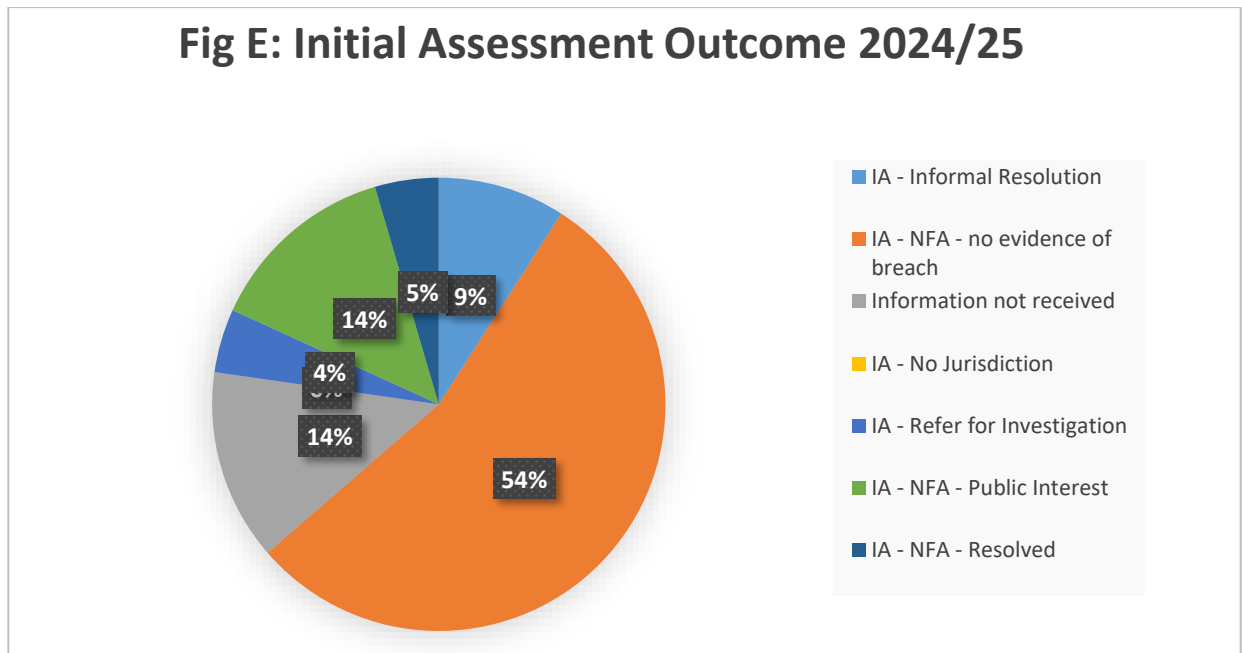
20. A complaint requires a potential breach of the relevant Code of Conduct. Although this has been recorded by officers, due to the fact there is not a standard Code of Conduct (not all Parish/Town Councils have adopted the Herefordshire Code), this means that there is overlap in the recorded potential breaches. As such there are wide ranging descriptions of potential breaches of the Code of Conduct of the relevant council.
21. Figure D shows the range of allegations raised. It is clear that the majority of complaints relate to 'disrespect' (sometimes in combinations with other allegations) and a failure to disclose an interest, typically in the context of representations about planning applications. This has not changed from that observed in 2023/24.



22. Guidance on disrespect was produced by officers and circulated to the Parish/Town Clerks in April 2024 in an effort to raise awareness of councillors' commitment under the Code of Conduct to treat others with respect. Further, the Monitoring Officer again wrote at the request of this committee on 1 May 2025 about lack of respect.

Outcome of Complaints

23. Figure E shows the outcomes of complaints at the first stage of the complaint process (initial assessment) during the review period.



24. Out of the 33 complaints received, 2 matters were referred for investigation. 2 others are on hold as they are being considered by other statutory bodies under their own compliance codes.
25. 29 complaints that have been closed during the review period because a complaint was withdrawn or resolved at the initial assessment stage and after the subsequent full investigation stage. Resolved includes where there is a finding of a breach, no breach or where there is no further action taken. NFA includes where the member has already taken remedial action to correct the matters in the complaint.

Historic Complaints

26. Appendix 1 to this report contains the number of complaints received against Herefordshire and each Parish/Town Council since 2019/20.
27. Over that period, although almost 50% of all complaints against Parish/Town Councils have been generated by 4 Parish/Town Councils, however Llangarron, Bartestree with Lugwardine PC and Walford PC have not received any complaints during 2024/25.
28. It should be noted that out of the 137 Parish/Town councils in Herefordshire, only 9 have generated more than 5 complaints over the entire 6 years.

Sanctions

29. Our arrangements are that where there has been a breach of the Code of Conduct and recommendations are made by the Monitoring Officer, the subject member is asked to comply. In the event it is a parish councillor, then the report and recommendations are sent to the Parish Council for them to implement. Under our procedures, they are not able to substitute their own sanction but there is currently no ability for Herefordshire Council to enforce any recommendation.

30. Both subject members (for Herefordshire Council) and the Parish Council are asked to confirm whether or not sanctions have been complied with.
31. Decision notices for all breaches are made public on the Council's [website](#).
32. Where a complaint is resolved without a formal investigation, no finding of breach can be made. This committee has agreed that the Standards Panel will receive a copy of all decision notices made following initial assessment, no matter what the outcome is. In this instance, the decision notice is provided to the Complainant and Subject Member, as well as the Clerk as Proper Officer, but it is not published, save in cases where the Monitoring Officer may, under the Transparency arrangements, use her discretion to publish.

Standards Panel

33. The Standards Hearings Panel was convened twice during the review period.

Councillor Sinclair – Ledbury Town Council

34. Cllr Sinclair was found to have breached the Code of Conduct of Ledbury Town Council by a [decision](#) issued on 4 February 2025. Cllr Sinclair elected not to attend the hearing, and the Standards Panel made 4 sanction recommendations. It has been reported back to the Council by Ledbury Town Council on 24 April and 9 May 2025 that the Councillor does not intend to apologise or undertake the training recommended.

Councillor Bradford – Ledbury Town Council

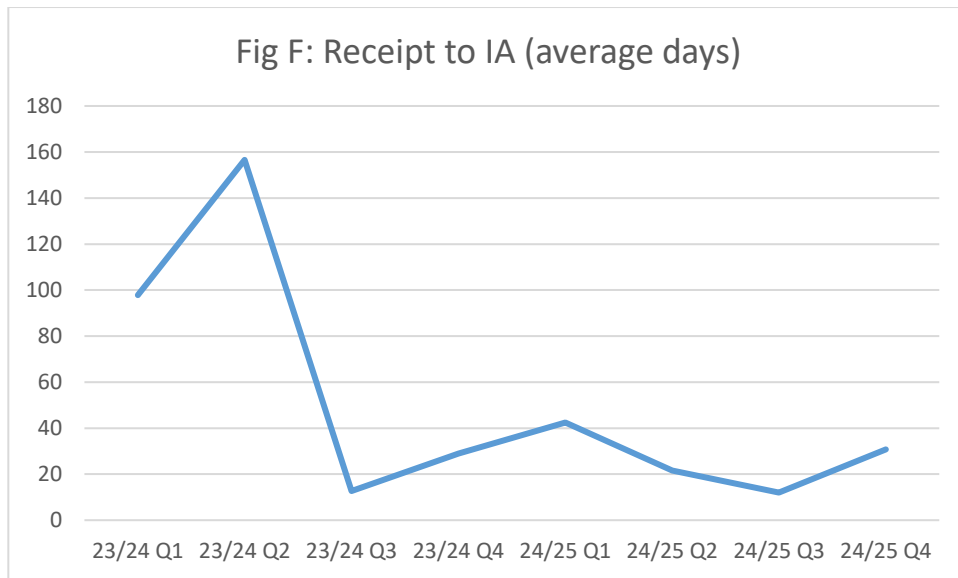
35. Cllr Bradford was found to have breached the Code of Conduct of Ledbury Town Council by a [decision](#) issued on 8 April 2025. Cllr Bradford did attend his hearing, and the Standards Panel made 3 sanction recommendations. It has been reported back to the Council by Ledbury Town Council on 13 May 2025 that Cllr Bradford does not intend to apologise, undertake the training recommended or work to try and build trust and confidence with the Town Council and complainant. The Standards Panel is awaiting Ledbury Town Council to confirm what measures it wishes to adopt to attempt to build trust and confidence.

Key Performance Indicators

36. These are currently in an early form as data captured before the current administrative year was incomplete. Data is robustly captured currently and demonstrates the following key indicators.

Time for Initial Assessment

37. This is the average time taken in days from receipt of the complaint to the initial decision of the Monitoring Officer. This date is not a pure measure as it is dependent on a number of factors, including the subject member's response who may request an extension of time to respond, particularly if a complaint is complex.



38. This reduced from an average of 98 days in Q1 2023 to 31 days in Q4 2024/25. During the year 2024/25 the average of 26 days.

Time for Independent Person Response

39. This is the response time for the Independent Persons to provide their views on matters before a decision is made by the Monitoring Officer (as required by the Localism Act 2011). This is currently an average of 1 day which is considered to be exceptional.

40. Time between Initial Assessment and Outcome

This is the time taken from Initial Assessment decision when a matter is proceeding to formal investigation, to outcome following that investigation. During the review period, only 2 cases have been subject to investigation and both were referred to the Standards Hearing Panel.

41. This first relates to Councillor Sinclair (Ledbury Town Council) and the case concluded its initial assessment on 17 October 2024. This case took 15 days from receipt to Initial Assessment decision that the matter was proceeding to formal investigation. The formal investigation concluded on 19 December and took 39 days. The hearing was 4 February 2025 which was 37 days after the outcome of investigation was known.
42. This second relates to Councillor Bradford (Ledbury Town Council) and the case concluded its initial assessment on 2 December. This case took 10 days from receipt to Initial Assessment decision that the matter was proceeding to formal investigation. The formal investigation concluded on 17 February and took 53 days. The hearing was 2 April 2025 which was 32 days after the outcome of investigation was known.

Comments from the Council's Independent Persons on Arrangements

43. Comments received included that it is very disappointing that the sanction recommendations of the Standards Panel were not complied with by either town councillor. However, on a more positive theme, it is noted that no Herefordshire councillor received a complaint from officers or other councillors.

Conclusions

44. The data represents a review period of 12 months but demonstrates the following trends and observations, particularly when the review period is considered in the context of the historic data that is included in the report:
- a. There is a downward trend (33 complaints) in complaints which appears to be settling at the 'normal' levels of approximately 30 per year.
 - b. There has been a marked reduction in complaints concerning Herefordshire Councillors (4 as opposed to the 'normal' of 10 per year)
 - c. Almost 40% all complainants during the 2024/25 period were generated by Parish/Town Councillors. In the period 2023/24 and 2024/25, 23 complaints were generated by Parish/Town Councillors against other councillors. Only 2 complaints moved to investigation (in 23/24) and did not proceed past the initial assessment stage due to lack of information, of minor importance or the matter being considered as being resolved
 - d. An extremely low number of Parish/Town councils have signed up to the NALC/SLCC civility and respect pledge which ordinarily requires a local resolution process as part of good governance arrangements and best practice. Obviously, Parish/Town councils may have adopted their own local resolution process independently. There have been 5 additional councils that have signed up to this since January according to NALC.
 - e. Although there has been a reduction of numbers of complaints in 2024/25, this reduction is only down to the historic normal range of approximately 30 per year.
 - f. A large amount of time and resources was utilised for the investigation interviews and reporting, decision making and convening the two Standards Panel hearings. The Panel considered both were in breach of the code and recommended sanctions but neither town councillor would accept such and neither the Council nor Town Council were able to impose the recommended sanctions. It is questionable whether either complainant is satisfied with the outcome or the response to the councillors to the recommended sanctions. Under the current standards regime there is no ability to sanction any Councillor who does not comply with a decision.

Informal Resolution Process

45. It is noted that much of the complaints referred to the Monitoring Officer are complaints from a member against another member. Many of these complaints relates to behaviours principally around a lack of respect.
46. The members of the Standards Panel have expressed concern that for such complaints, a lack of coherent informal resolution manifests itself as, at best a missed attempt to resolve issues at an early stage to achieve better outcomes for both complainant and the member and at worst, an incoherent approach to resolution could make matters worse.
47. The Monitoring Officer has received a number of complaints centring around a parish council where all complaints have been generated by and against councillors. All are broadly about respect and have been dismissed as requiring no further action. However, the poor relations

between members continued and the Monitoring Officer, with support of the Independent Persons, strongly recommended that mediation was performed to try and improve the relations. This failed principally as some members chose not to engage in a meaningful way and complaints have again resumed. The purpose of an IRP could be to ensure that some form of resolution must be attempted before complaints will be accepted by the Monitoring Officer.

48. The government is currently consulting on a revised standards regime in England and this committee has responded to this on behalf of the Council. It is possible that the standards regime could be significantly different to what it is currently. However, it is not expected that any change is imminent, and it is likely that the current position will continue for 12 months or more.
49. It is considered that the use and adoption of an Informal Resolution Procedure (IRP) would:
 - a) Enable Parish/Town councils to have more ownership and say over the conduct of councillors
 - b) Allow minor complaints to be resolved at the appropriate level by the council affected by the complaints;
 - c) Generate a quicker outcome;
 - d) Generate better outcomes where those with direct influence and involvement can quickly evaluate whether the issue is minor and should be better addressed locally;
 - e) Require complainants to engage to try and resolve matters early;
 - f) Prevent tit for tat or unnecessary politically motivated complaints; and
 - g) Avoid unnecessary and costly referrals to the Council;
50. It is entirely possible that any new standards regime may include national arrangements which could mean local arrangements are no longer required and therefore changes at this point would be a waste of resources. However, we consider that the current arrangements will continue for at least 12 months and that any national arrangements will have a place for early resolution for the council concerned. It is noted that in Wales, the national standards regime and arrangements was not abolished by the Localism Act 2011. This has a national body for standards determination and independence of investigation via a local government ombudsman. The ombudsman guidance for both [local councils](#) and [principal authorities](#) includes a role for local resolution for minor complaints even though the serious complaints are considered either by the Council standards panel or adjudication tribunal.
51. Accordingly, to encourage the use of a Local Resolution Protocol, the recommendation is that this committee could investigate whether the Arrangements for dealing with a Code of Conduct Complaint against members is changed so that that complaints against a member of Herefordshire Council and/or a parish/town council are not accepted by Herefordshire Council unless an Informal Resolution Protocol (IRP) has been followed. This would not include any legal requirements (such as a failure to declare an interest) – principally around complaints around a lack of respect.
52. A first draft of the IRP is attached in Appendix 2. If the concept of an IRP is approved by this committee, then it is recommended that the Monitoring Officer brings a proposal back to this committee as soon as possible.
53. It is recommended that those that could be impacted by this decision should have a say because even if the concept an IRP is supported there are different options. For example, the IRP could be:

- a) applied only to member-on-member complaints rather than all complaints;
- b) applied only where a threshold of complaints have been reached (for example, more than 5 complaints in previous 5 years);
- c) applied only to Parish/Town Councils as there is a very low incidence of complaints at Herefordshire Council; and
- d) applied to Herefordshire Council as the low level of complaints could be explained due to good behaviours shown by current members/current arrangements between/within groups but this may not be the case in future.

Comments from the Council's Independent Persons on IRP

54. The Council has received comments from the IRP on this proposal. Although recognising that this is at concept stage at this time, the comments raised are summarised as:
- a) The IRP should not be used where a complaint relates to a legal requirement (such as disclosure of interests) or where it is serious (bullying and harassment);
 - b) The IRP should be managed and run by the Parish/Town Council's themselves;
 - c) There should be clear boundary or end point where informal resolution is not considered to have worked and matters should be dealt with under the established procedure; and
 - d) Although recognising the intention behind this proposal, should we await the national proposals just in case this work is obsolete and replaced shortly?
 - e) The high levels of councillor-on-councillor complaints at Parish/Town council is frustrating and cost disproportionate when considering the minor/political nature of the complaint.

Standards Hearing Procedure

55. The Arrangements for dealing with a Code of Conduct Complaint against members have been updated in relation to the Standards Panel Hearing itself and the question of whether the hearing was to be conducted in public or not.
56. The current procedure required the publicity decision to be made in the meeting itself. This meant that even if the hearing was conducted in public, there was no obvious means for the public to be aware of this until the actual meeting.
57. The revised process requires that the Monitoring Officer would consult with the Standards Panel members at the time the agenda is published to decide whether the agenda is to be published in an open or private (or part private) format.
58. The decision whether the meeting itself is conducted privately remains with the Standards Panel.

Community Impact

59. This report provides information about the council's performance in relation to the Code of Conduct.
60. Having an effective process for dealing with Code of Conduct complaints upholds principles A and G of the code of corporate governance by ensuring that councillors behave with integrity and are accountable for their actions. This should provide reassurance to the community that councillors are behaving in the best interests of their constituents.

Environmental impact

61. There are no environmental impacts arising from this report.

Equality duty

62. The [Public Sector Equality Duty](#) requires the Council to consider how it can positively contribute to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
63. The Council must demonstrate that it is paying 'due regard' in our decision making in the design of policies and in the delivery of services to secure this general duty.
64. The model Code of Conduct requires that Councillors do not discriminate unlawfully against a person, and should any complaint be received alleging this as a breach, then we would investigate accordingly and report such within this report. The EIA has been completed in respect to the revised procedure and has no impacts. In practice, should a person involved with the process have a protected characteristic which is impacted by the process itself, then those involved should be able to take that into account when operating the Arrangements.

Resource implications

63. There are no resource implications arising directly from this report which is for information. The Council has a statutory duty in the Local Government and Housing Act 1989 to provide the monitoring officer with sufficient resources to allow them to perform their duties.

Legal implications

64. There is no statute that specifically requires the Monitoring Officer to produce an annual report. However, the report evidences that the council complies with the duties required under the Localism Act 2011 and the requirements of the Council's constitution.

Risk management

65. There are no risks arising directly from this report which is for information. Maintaining high standards of conduct mitigates risks to the reputation of the Council. The fact that the Monitoring Officer is only able to make recommendations regarding a breach of the code of conduct exposes the Council and Monitoring Officer to risk of criticism, which was recognised by The Committee on Standards in Public Life.

Consultees

66. Independent Persons for Standards

Appendices

Appendix 1 – Historic Complaints per Parish Council

Appendix 2 – Proposed draft IRP

Appendix 3 - Equality Impact Assessment

Background papers

None identified.

Report Reviewers Used for appraising this report:

Governance	Jen Preece	Date 01/07/2025
Finance	N/A	
Legal	Sean O'Connor	Date 18/06/2025
Communications	Luenne Featherstone	Date 01/07/2025
Equality Duty	Harriet Yellin	Date /2024
Procurement	N/A	
Risk	N/A	

Approved by	Claire Porter	Date /2024
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