



Title of report: Code of Conduct for Councillors - 6 month update

Meeting: Audit and Governance Committee

Meeting date: Tuesday 27 January 2026

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 first six months of 2025/26 to end of September 2025;
- b) notes the initial response from Parish and Town Councils (PTCs) in relation to the concept of an Informal Resolution Protocol (IRP); and
- c) on the basis that IRP is optional, to recommend to full Council to adopt the change to the Code of Conduct arrangements.

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 first six months of 2025/26 administrative year ('the review period').

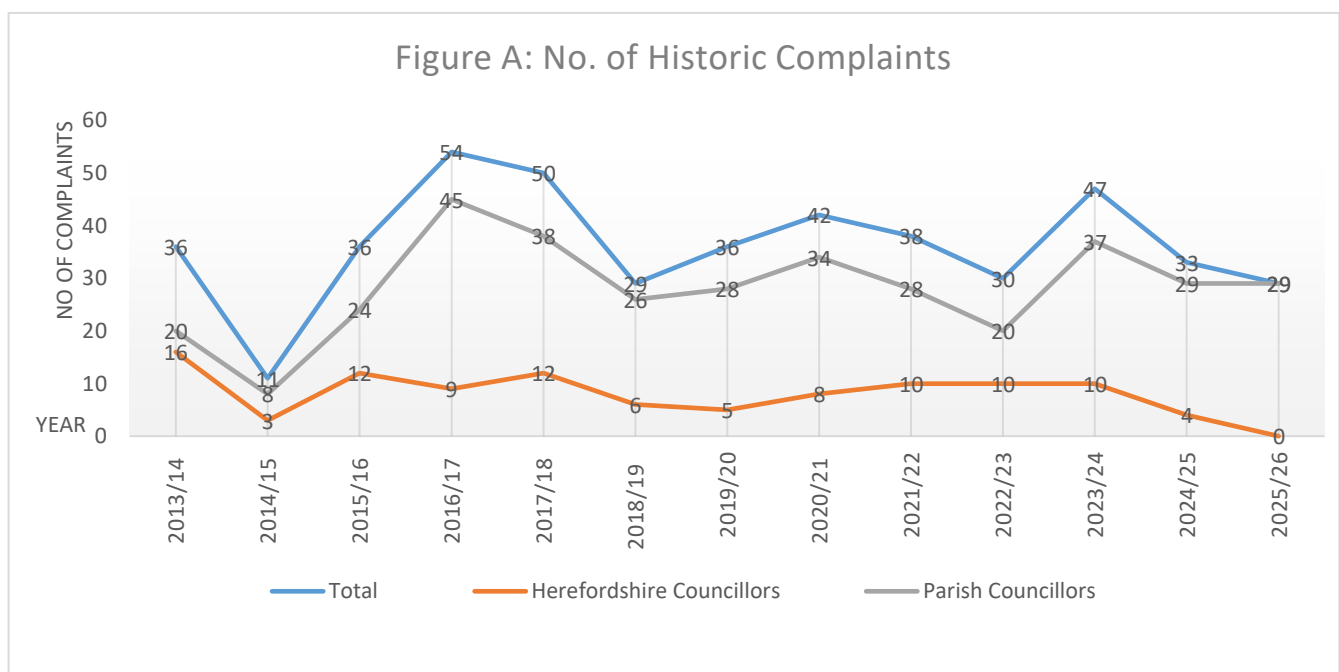
Key considerations

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 end September 2025

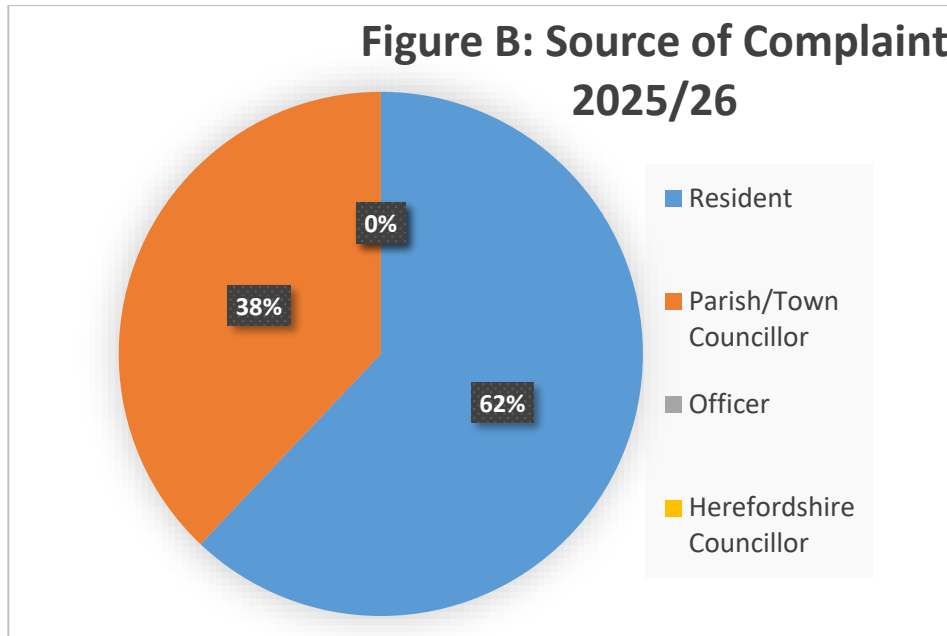
Number of Complaints

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 April 2025 the Council received 29 complaints for the first 6 months of the year.
6. Figure A below shows the number of complaints received since 2013. The numbers had been reducing since 2023 but for this year the number of complaints is almost the same as for the whole of last year. However, this is due to the number of complaints directed to multiple members and the same incidents. There have been no complaints raised against Herefordshire Council members.

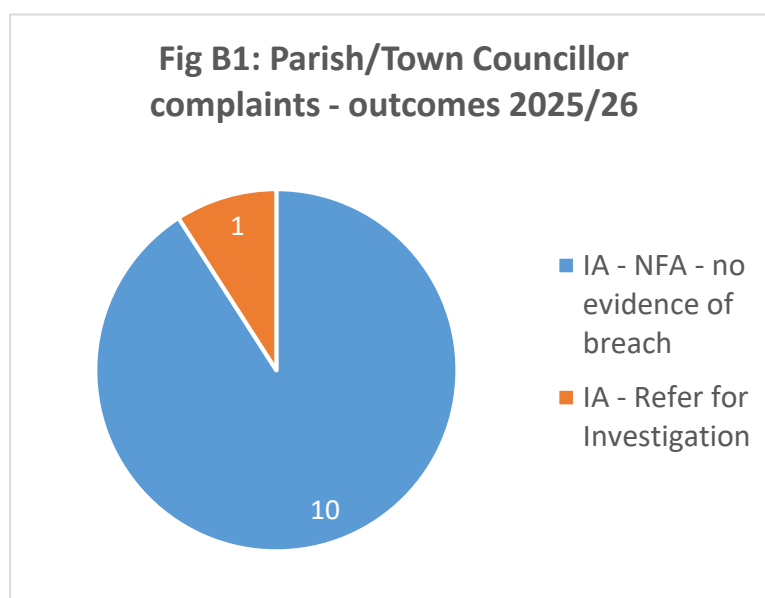


Source of Complaints

7. Figure B shows that, for the review period, the source of complaints are residents and Parish/Town Councillors. The high levels of complaints from Parish Town Councillors continues to be the same as last year. No complaints have been received from members of Herefordshire Council.



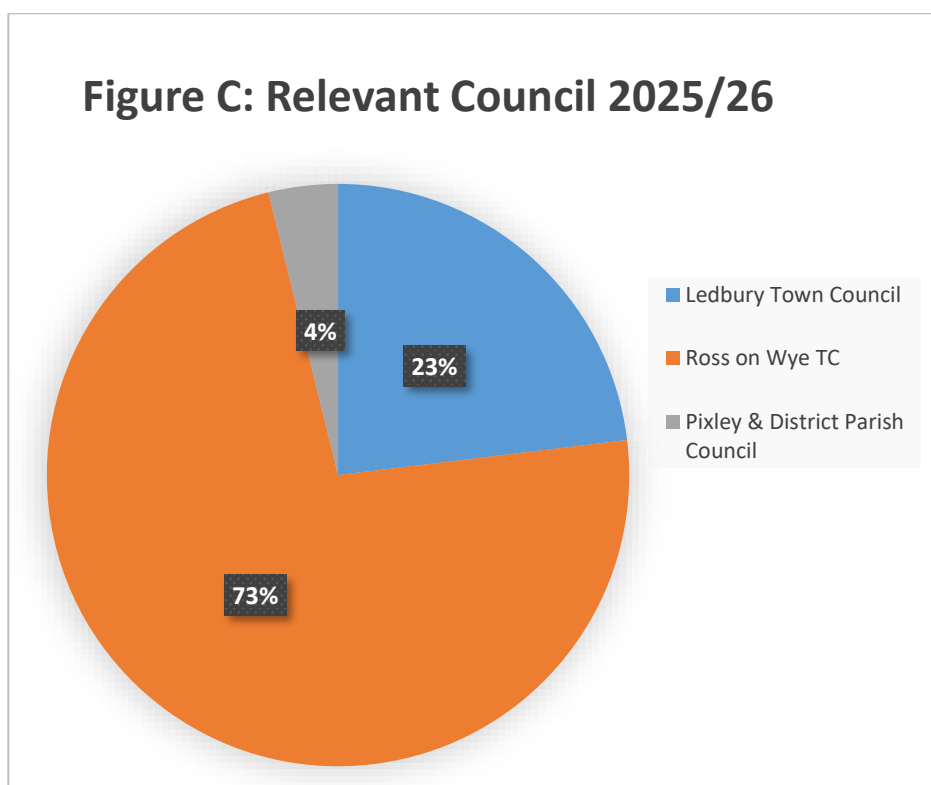
8. 4 in every 10 complaints received continues to be raised by a Parish/Town Councillor about another Parish/Town Councillor. The trend continues to be that some Parish/Town Councillors use the Code of Conduct process to resolve differences of opinion or behaviours rather than matters being resolved by the Councils and/or Councillors themselves.
9. In the two years to 2024/25, only 2 out of 23 complaints Parish/Town Councillor **sourced complaints** (where a Parish/Town Councillor raised a complaint) resulted in any further action being taken. The table Fig B1 below shows the outcome for the current financial year.



10. Out of 11 complaints in this year, only on 1 was referred to investigation (meaning a potential breach). No further action was taken after the initial investigation stage for 10 complaints due to there not being evidence of a breach.
11. This means that over the last 3 years, 34 complaints in the review period relate to Parish/Town Councillor complaining about another Parish/Town Councillor. All but 3 of the 34 were dismissed as there essentially being no further action request. However, this requires significant Herefordshire Council resources to receive, consider and conclude the first stage.
12. In the 2.5 years leading to the period of this report, the main councils where Parish/Town Councillor sourced complaints are Colwall PC (6), Ledbury (8) and Ross on Wye (7).

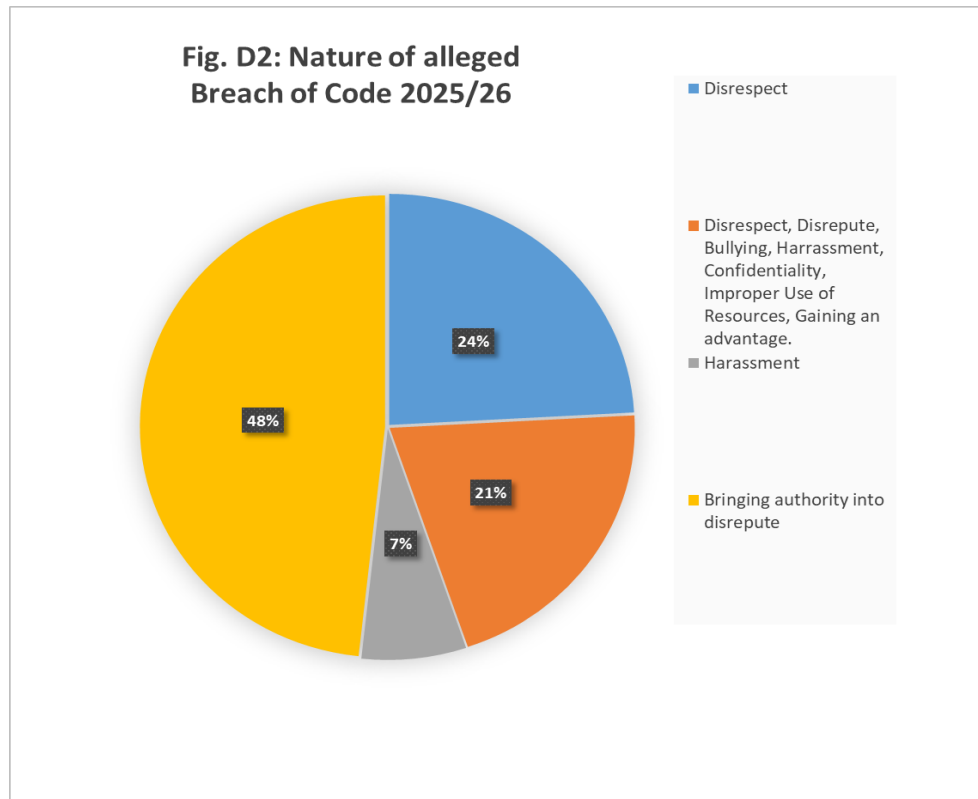
Relevant Council

13. Figure C shows the council in which the complained about Councillor is located. In the current year, all complaints relates to members of Parish/Town Councils. No complaints were received in respect to councillors of Herefordshire Council.



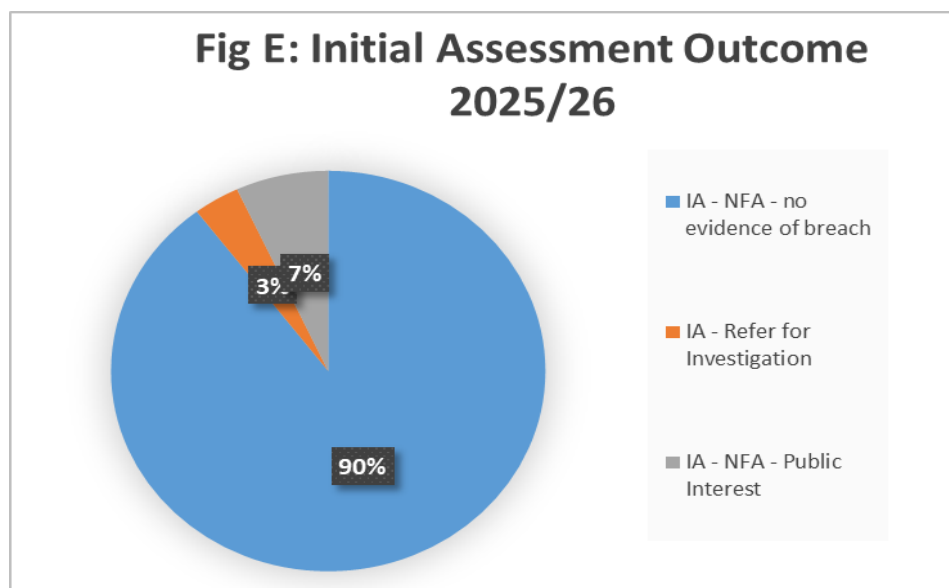
Nature of Complaints

14. 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.
15. Figure D2 shows the range of allegations raised. As normal, the majority of complaints relate to 'disrespect' (sometimes in combinations with other allegations) and 'disrepute'.



Outcome of Complaints

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



17. Out of the 29 complaints received, only 1 matter has been referred for investigation. 2 others are on hold from 2024/25 (relating to the same councillor) as they are being considered by other statutory bodies under their own compliance codes.
18. 28 complaints that have been closed during the review period because a complaint resolved at the initial assessment stage. Resolved includes where there is no finding of a 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.

Sanctions

19. 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.
20. Both subject members (for Herefordshire Council) and the Parish Council are asked to confirm whether or not sanctions have been complied with. In 2024/25 sanctions recommendations were complied with other than in respect to the 2 matters that appeared before the Standards Hearing Panel (Cllr Bradford & Sinclair – Ledbury Town Council) where there was a refusal to comply with all the recommendations of the Panel. Recommendations and guidance was provided to a number of Councils/Councillors despite there being no breach of the code.
21. Decision notices for all breaches are made public on the Council's [website](#).
22. 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.

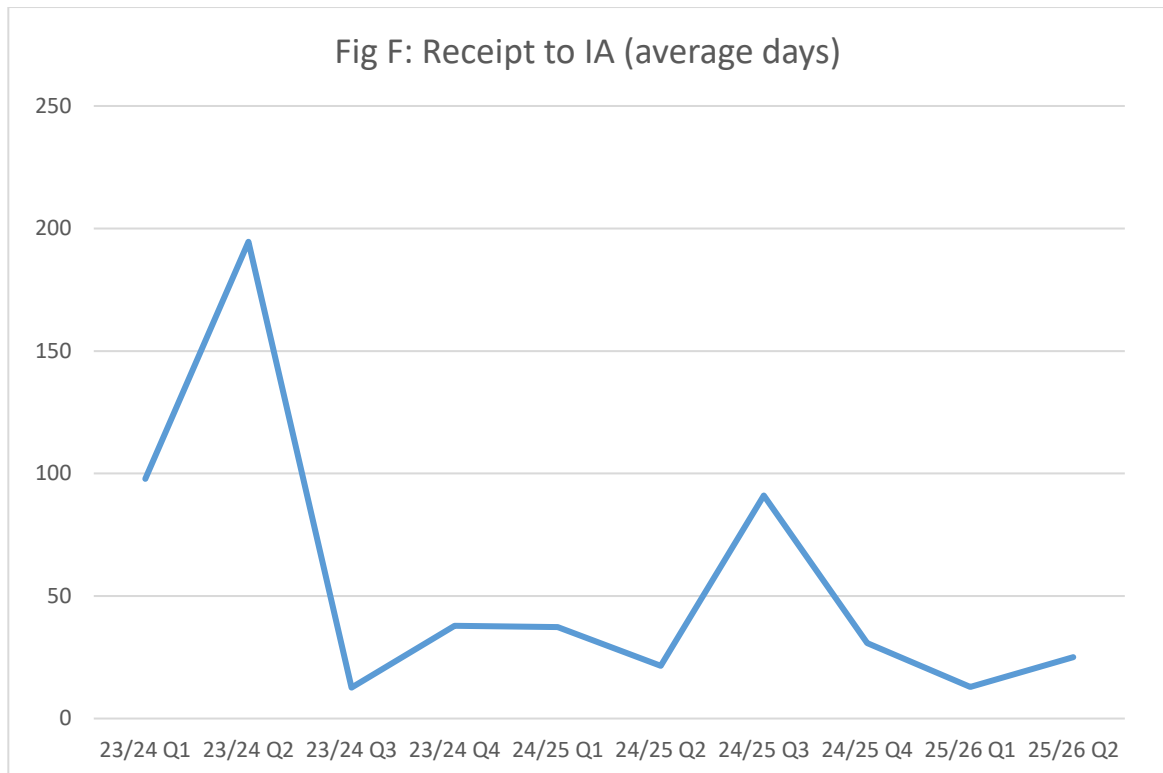
Standards Panel

23. The Standards Hearings Panel was not convened during the review period.

Key Performance Indicators

Time for Initial Assessment

24. 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.



25. This reduced from an average of 98 days in Q1 2023 to 25 days in Q2 2024/25.

Time for Independent Person Response

26. 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 0 day for Q1 and 1 day for Q2 2025/26 which is considered to be exceptional.
27. **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 1 case have been referred to investigation and is currently ongoing.

Council's Independent Persons

28. The Council has four Independent Persons who support the Code of Conduct process. Their input is invaluable and much appreciated by the Authority. This committee has a standing invite to the Independent Persons to address the committee on any matter relating to Standards and comments will be provided at the meeting.

Conclusions

29. The data represents a review period of 6 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. Although there has been a higher number of complaints (29 in 6 months compared to a baseline 33 per year on average) over half of these relates to one Parish/Town Council and one 'incident'.
- b. There are no complaints concerning Herefordshire Councillors (0 in the last 6 months as opposed to the 'normal' of 10 per year)
- c. Almost 40% all complainants continue to be generated by Parish/Town Councillors. In the past 3 years, 34 complaints were generated by Parish/Town Councillors against other councillors. Only 3 complaints moved to investigation. The rest were dismissed at the Initial Investigation stage.
- d. Only 1 matter has moved to an investigation (currently ongoing).

Informal Resolution Process

- 30. The members of the Standards Panel have expressed concern that a lack of coherent informal resolution manifests itself as, at best a missed attempt to resolve issues at an early stage and get better outcomes for both complainant and the member, at worst, an incoherent approach to resolution that could make matters worse.
- 31. At a meeting of this committee on 15 July 2025, it was agreed that the adopted Arrangements for dealing with a Code of Conduct Complaint against members should include the option (for the Parish/Town Council) to try and resolve the matter informally. It would not become mandatory or a pre-condition for a complaint to be considered by Herefordshire Council. However, if an informal process exists then any complainant must use that first.
- 32. Accordingly, to encourage the use of a Local Resolution Protocol, the recommendation was notified to Group Leaders in September. Changes have been included within a Constitutional Update Report which we aim to bring to this Committee as soon as possible and then onto full Council.
- 33. We have also sought feedback from Parish/Town Councils and in the whole, this has largely been received as an explanation why it wouldn't work or be adopted by their council. Two have stated that they'd consider it.

Community Impact

- 34. This report provides information about the council's performance in relation to the Code of Conduct.
- 35. 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

- 36. There are no environmental impacts arising from this report.

Equality duty

37. 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.
38. 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.

Resource implications

39. 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

40. 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

41. 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

42. Independent Persons for Standards

Appendices

None

Background papers

None identified.