

There has been a great deal of correspondence and paperwork on these matters. I thought it would be helpful to provide ....

- A. An update on informal efforts to resolve.
- B. A summary of the Ashwell Parish Council overall response.
- C. Commentary on (B) above.
- D. A summary of the Parish Council's response to specific issues.
- E. Some observations on those responses.

#### A. Update on Informal Efforts to Restore

- 1. I have received no response to the fact summaries I submitted.
- 2. The Parish Council seemed to disengage from the informal process.
- 3. I have encouraged the Parish Council to re-engage in the local resolution process.
- 4. Councillor [REDACTED] has indicated his desire to continue, although his diary does not permit our meeting until September.

#### B. Overall Response

The Clerk advises .....

*It remains the view of the Parish Council that the statement made in response to Section 1 Part 3 of the AGAR is correct, ie*

*"We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that **could have a significant financial effect to the ability of this authority to conduct it's business or manage it's finance**"*

Ashwell Parish Council has repeatedly referred to the costs associated with handling (upheld) complaints arising from actual or potential non-compliance with laws, regulations and proper practices. – See Chair's comments in July 2023 as an example.

Ashwell Parish Council has repeatedly said there are cost implications as a result of audit objections arising from actual or potential non-compliance with laws, regulations and proper practices. (Numerous letters and comments in Parish Council meetings.)

Ashwell Parish Council seems to be simultaneously adopting two mutually exclusive positions:-

- a. With its auditors – that there is no significant financial or other effects.
- b. Within Parish Council meetings - that there are significant financial or other effects.

It is worthy of note that ...

The Clerk advises in her email of 29<sup>th</sup> July .....

*"To answer your question regarding input to our response to the auditor, because of the recency of my appointment and due to the historical nature of the objections, I sought guidance from [REDACTED] (Clerk at the time), Cllrs [REDACTED] and [REDACTED]".*

It is difficult to see how there are not serious conflicts as follows:-

	Objection
Councillor [REDACTED]	2, 3 & 4
Councillor [REDACTED]	3 & 4
Former Clerk	3 & 4

Possibly also Councillor [REDACTED] in that he lead the complaint handling in respect of the Clerk (Objection 3).

The response was sent to the auditors without ever being discussed by the Parish Council. Indeed, at the Parish Council meeting of August 2025, the item was on the agenda and no papers were provided.

No councillor has ever declared an interest in the item on the Agenda "Annual Audit for the 2023/24 financial year".

In the 2024/25 year, the Parish Council answered "NO" to assertion 3 of the AGAR – one Decision Notice regarding failure to provide information in a timely manner.

In 2023/2024 there were numerous Decision Letters on failure to provide information in a timely manner. Also, Decision Letters on other matters, yet Ashwell Parish Council still maintains "YES" is the correct response.

## Objection 2

The Chair failed to properly observe declaration of interest at meeting of July 2023.

## Ashwell Parish Council response

*"In July 2023 the Code adopted at that stage by the Parish Council did not require members with 'Table 2/Other' interests to leave the room (this was only required for a "Disclosable Pecuniary Interest" of which there were none; this was confirmed following the formal complaint to the NHDC Monitoring Officer/police. A new Code that did require a member with interests to leave the room as adopted in October 2023"*

## Comments

The references to Police or NHDC investigations into CLT matters are, I would respectfully say, irrelevant. The issue is:- was Councillor [REDACTED] seeking through a "personal statement" to influence an item he had been advised to withdraw from? The objection has nothing to do with Pecuniary Interest and judgements. It is about the seeking of influence via "personal statements".

The implication of the Parish Council in the first part of the response is that the Parish Council operated with an unlawful (certainly illegitimate) Code of Conduct until October 2023. It did so at the instigation of the Vice-Chair, Chair and Clerk.

When considering the Code of Conduct in May 2023, the Parish Council were persuaded by the Chair & Clerk that they should amend the model Code, diluting requirements following declaration of interest.

Transcript from Parish Council meeting May 2023 @ approximately 5 minutes into meeting.



4:51	█	<i>Erm, we've circulated the er Code of Conduct. Erm, there is one minor, minor change that we've made to compare with the previous year, but in essence it will now conform fully with the NHC erm standard code of conduct. Erm. is, can I have someone to propose acceptance?</i>
5:15	█	<i>Can I just ask a quick question? (█ "yes") Erm, the er previous code of conduct erm differed from the NHC code of conduct in that, if someone declared an interest, they weren't excluded from, effectively, the parish room. (█ "yep"). Erm, and that was because we didn't get people out in the dark and in the rain. (█ "yep"). There is nowhere else really for them to, to stand or sit. What's the provision that we erm want to deploy this time round?</i>
5:49	█	<i>Erm, we can give dispensation to allow them to stay in the room, erm, which the parish councillors, or at least a majority of the parish councillors support that then that can take place.</i>
6:06	█	<i>Yes, well we virtually do that now anyway.</i>
	█	<i>We do virtually.</i>
	█	<i>I mean all the time I've been here, I've been the longest here.</i>
6:12	█	<i>Does stay in the room mean just stay physically in the room and not ... (interrupted) (indistinct ..... ) (someone else .... take part)</i>
	█	<i>Yes, and not taking part in ..... (indistinct)</i>
	█	<i>I mean it depends on the topic, we may even allow them to take part, I think. That's within the rules (lots of mumbling and interrupting)</i>
	█	<i>Graham, the rules are absolutely correct. If you open it up they can, in other words they become a member of the public and they are allowed to speak.</i>
	█	<i>Ok, so we will have a dispensation .... From the NHC ... █ interrupts</i>
	█	<i>On a month by month, on a month by month, as the occasion requires. So we're proposing the new conduct ... proposing</i>
	█	<i>Seconded</i>
	█	<i>All in favour? Yep</i>

█ – Councillor █

█ – Councillor █

█ – Councillor █

█ – Councillor █

The Parish Council were told it would still comply with all requirements. That was simply not true.

The amendment put forward by the Chair, Vice-Chair and endorsed by the former Clerk, failed to meet the requirements of a Code of Conduct. That was formerly confirmed no later than the July meeting.

#### ADVICE FROM MONITORING OFFICER ON CODE AMENDMENTS

Approximately 35 minutes in

█	Chair, without eating into my 7.5 minutes, I wonder if I might know what the advice of the Monitoring Officer was?
█	The advice of the Monitoring Officer was that the er provision that was agreed in relation to the amendment of Standing Orders for dispensation to leave the

	<p>room, er is not erm appropriate. Does not accord with current guidance. Goes against the spirit and purpose of the erm regulations and it should be revoked, and I have given erm some guidance to councillors on the process that can be adopted to revoke er a decision taken.</p> <p>Erm the Monitoring Officer also gave some erm guidance that erm in general, dispensation should be used not for the reason of erm remaining in the room but in a situation where a councillor might need to participate in a discussion, or a vote for very defined range of circumstances, which are not relevant in this occasion. She also gave some general advice on declaration of interests which erm .... (inaudible,)</p>
--	---

The response is that the Chair's apparent attempts to influence debate on an item he should not be seeking to influence via his "personal statement", was acceptable due to the Parish Council having previously accepted his and the Clerk's misleading advice that requirements in the model code could be ignored.

The declarations of interest requirements are statutory and seeking to amend the model code to sidestep those requirements cannot, and does not overwhelm the legal requirement to adopt a Code of Conduct which complies with the law.

Listening to the audio recording reveals the obvious stress caused to the officer presiding. Interestingly, the Chair then declined to take the item confirming her appointment as the Clerk. She resigned shortly after. As did Councillor [REDACTED]

### Objection 3

Ashwell Parish Council failed to properly handle the complaint regarding the actions of the Chair, Vice-Chair & Clerk.

### Ashwell Parish Council response – part (a)

See <https://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted> See clause (11).

*(11) If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—*

*(a) whether to take action in relation to the member or co-opted member, and*

*(b) what action to take.*

It is clear that irrespective of how the Parish Council learns of a mischief, they have a duty under Section 28 (11). Even if that is done in private & confidential business.

It seems clear that unless ...

Predetermination of a planning issue.

"Beefing up" the justification for pre-determined decisions.

Unlawfully withholding information



Are all within the Code of Conduct, then the requirements of Section 28 (11) the 2011 Act bite.

(Note:- it is ironic that under Section 28(11) the Parish Council can decide – having considered the matter – to do nothing. What it cannot do is fail to consider what to do if it perceives a breach).

#### **Ashwell Parish Council response – part (b)**

*Decisions, and any recommended actions, when handling Code of Conduct allegations involving a parish councillor are a matter for the NHC Monitoring Officer. NHC rules are that these remain confidential to the parish councillor.*

Not correct. They are a matter for the Standards Committee of NHDC. That committee has given some delegated authority to its Monitoring Officer.

It is not correct that “NHC rules are that these remain confidential to the parish councillor”. The NHDC policy is clear, and always has been, that the Parish will be kept up to date with the progress of investigation and informed of the outcome. NHDC policy 5.9 states .....

*“When the Monitoring Officer has taken a decision, they will inform the complainant and the Councillor (and in cases involving a Parish/ Town or Community Councillor) the Clerk (or Chair as may be appropriate) of the decision and the reasons for that decision. These will remain confidential. Note that if both the Clerk and Chair have a perceived conflict, and this is accepted by the Monitoring Officer, or there would appear to be one, then such notice will be provided to a nominated Clerk or Council contact”.*

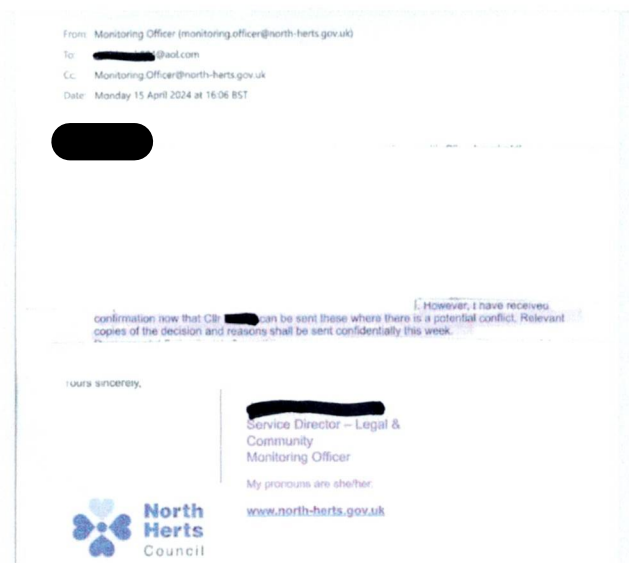
(Similar provisions in terms of notification of Town & Parish Councils also existed in Section 7.2 and 8.2 of the policies which prevailed at the time).

Ashwell Parish Council’s Clerk and Chair sought to persuade that matters must be kept confidential to the conflicted councillors only. The NHDC Standards Committee made it clear that their Monitoring Officer should provide information to independent parties within Ashwell Parish Council after I attended and addressed NHDC Standards Committee on 27<sup>th</sup> March 2024. They then imbedded that clarification in their policy. (See highlighted section). It was never the case that “NHC rules are that these remain confidential to the parish councillor” - quite the contrary.

The Parish Clerk was wholly inappropriately the liaison point for this complaint.

Email from NHDC Monitoring Officer after Standards Committee of 27<sup>th</sup> March 2024 .....

*“However, I have received confirmation now that Cllr [REDACTED] can be sent these where there is a potential conflict. Relevant copies of the decision and reasons shall be sent confidentially this week”.*



*All of the complaints made to the Monitoring Officer have been handled by them under the NHC informal resolution procedures; none has been referred to their Standards Committee.- They were reported to the Standards Committee.*

*Reports of the North Herts Council (NHC) Standards Committee are available on their website. Correct (see fact list)*

#### **Ashwell Parish Council response – part (c)**

*Clause (4) of the Localism Act 2011 says -*

*(4) A failure to comply with a relevant authority's code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.*

*Agreed it does say that, but that does not mean ...*

- a. The Parish Council cannot know the outcome.
- b. Only conflicted parties can report back on the outcome of an investigation.
- c. The obligations of Section 28(11) and Section 27 do not exist.

*It is noted Ashwell Parish Council make no response to the points ....*

1. That it was inappropriate for the Chair to report back on a complaint against himself.
2. That the Chair did so in terms that implied no mischief on his part.
3. That at the meeting and the meeting which approved the minutes, the Chair refused to say if he did or did not have an interest to declare.
4. That Ashwell Parish Council took 14 months to consider a complaint against its Clerk.
5. That the Parish Council changed its complaint system during the period and applied new process to this predated complaint.
6. That it was reported to the Parish Council during August 2024 meeting ..... (taken from the minutes of the meeting).

#### *37 Reports from Committees*

##### *37.1 HR Committee.*

*To receive an oral report and agree any actions. Action: Cllr [REDACTED] Cllr [REDACTED] reported that the HR Committee has dealt with the HR issue inline with Parish Council procedure. Minutes have been issued to members of the HR committee only.*

7. Subsequently, after enquiring Ashwell Parish Council conceded....

Email from Clerk dated 24<sup>th</sup> October 2024 ...

*To clarify there was no meeting of the HR Committee, two members of the HR Committee dealt with the matter, set out in the report attached.*

8. The complainant has still not been advised of the outcome of their complaint.
9. Personal abuse has been levelled towards the complainant by a councillor without intervention or right of reply.

#### **Objection 4**

The statement extract from [REDACTED] is, I respectfully point out, irrelevant.

My audit objection 4 is that the councillors failed to declare and register any interest in the CLT at all. My objection is not that they failed to declare a pecuniary interest.

What the Parish Council have not acknowledged or commented on is ....

1. Councillors [REDACTED] & [REDACTED] did not register their interest in the CLT within 28 days.
2. Councillors [REDACTED] & [REDACTED] were judged to have failed to declare a non-pecuniary interest at the meeting in question.
3. The Clerk never declared her interest as Secretary to the CLT.

That concludes the commentary on the accuracy of the response submitted by the Clerk.

Finally, I would like to ask auditors to keep 3 broad points in mind.

1. The only Councillors or Officers who have ever challenged any of the issues raised have resigned.  
(They advised me it was due to their concerns over the way issues were handled).
2. The Clerk advises the Parish Council still remains of the view there has been no issues at all, and the AGAR responses in respect of 23/24 are correct. (Even though the Parish Council did not consider the response and the Clerk's only liaison points are conflicted parties).
3. There is clear inconsistency between the AGAR for 2023/2024 and the AGAR for 2024/2025.

Needless to say, there could be back and forth on all these issues. I am sure auditors have more than enough to come to conclusions, and furthermore if they want further input, they will ask for it.

I shall continue to seek the Parish Council engagement in the Agreed Statement of Facts, in the hope that it will save audit time and fees.