

## STANDARDS COMPLAINT DECISION NOTICE

<b>Complaint ref</b>	020637
<b>Subject Member</b>	Councillor Paul Avery
<b>Council</b>	Lyonshall Parish Council
<b>Date of decision</b>	7 October 2020
<b>Breach of the code (Y/N)</b>	Yes

### DECISION

On 7 October 2020, the monitoring officer considered a complaint alleging that Councillor Avery may have acted in breach of the code of conduct for members. The appointed independent person was consulted in considering the matter.

The monitoring officer concluded that Councillor Avery did breach the code of conduct.

#### Summary of complaint

An allegation was received that Councillor Avery had acted in breach of the Neighbourhood Planning (Referendum) Regulations 2012 ("The Regulations") by sending a letter to Lyonshall Parish Council residents in November 2019 encouraging them to support the Lyonshall Neighbourhood Development Plan.

#### Reasons for decision

Councillor Avery in his role as the Chair of the Parish Council, sent a letter to parish residents providing general information about the NDP referendum and why it was important to vote yes in the forthcoming referendum. The Regulations restrict such material to be published by or on behalf of the parish council. Councillor Avery was unaware at the time that the letter encouraging support would have been a breach of the Regulations and has apologised unreservedly. However, by sending a letter he did inadvertently act in breach of the Regulations. A councillor is accountable to the public for their decisions and actions. A breach of the Regulations is a failure to uphold the constitution, procedural rules and codes. Herefordshire Council's guidance note for referendums was updated in March 2020 to advise of this restriction.