

The Council acknowledges receipt of correspondence from Mrs Rowson raising governance concerns relating to the Section 85 vacancy process, subsequent election, and AGAR governance assertions. The Council has considered the issues raised and the responses below are intended to ensure that the matters are addressed publicly and appropriately recorded within the minutes.

1. “Whether the Council failed to take necessary and adequate steps to verify that the alleged disqualification of the two councillors was valid in law”

Response:

The Council sought and considered advice from a number of sources throughout this matter. Ultimately, the Council relied upon advice from an independent solicitor specialising in local council administration and governance. The Council was advised that the requirements of Section 85 of the Local Government Act 1972 applied and that the vacancies had to be notified accordingly. The Council was also advised that failure to act in accordance with the legislation could itself have amounted to unlawful conduct.

2. “Whether the Council failed, as a corporate body, to formally authorise the publication of the vacancy notices”

Response:

The Council is satisfied that the vacancy notices were issued lawfully and in accordance with the Council’s statutory obligations and followed administrative procedures. The Council does not consider there to have been any procedural defect which affected the validity of the notices or subsequent process.

3. “I am also concerned that elements of this process appear to have taken place despite views expressed by Cumberland Council’s Monitoring Officer which were contrary to the course adopted by the Parish Council”

Response:

The Monitoring Officer consistently declined to provide formal legal advice to the Parish Council and repeatedly advised the Council to obtain independent legal advice. The Council followed that recommendation and obtained advice from an independent solicitor with relevant expertise in parish council governance and administration.

4. “Whether it has put in place arrangements for effective financial management and internal control”

Response:

The Council is satisfied that appropriate financial management and internal control

arrangements remain in place. The Council maintains earmarked reserves, contingency budgets and general reserves in line with proper practices for parish councils.

The Internal Auditor identified no areas of concern within the audit process.

5. “Whether it took all reasonable steps to comply with its responsibilities under laws, regulations and proper practices”

Response:

The Council considers that it complied with its legal responsibilities by seeking independent specialist legal advice and acting in accordance with that advice and with the statutory requirements of the Local Government Act 1972.

6. “Whether it properly assessed and managed significant risks and potential liabilities”

Response:

The Council considered the legal, governance and financial implications of the matter and took professional advice where appropriate. The Council further notes that failing to act upon the statutory disqualification provisions could itself have exposed the Council and councillors to significant governance and legal risk.

7. “Whether it properly managed records, transparency, decision-making and accountability”

Response:

The Council notes that matters have been openly discussed through properly convened meetings, formal correspondence and recorded minutes. The Council further notes that this correspondence has been circulated to all councillors and is being publicly considered prior to approval of the AGAR.

8. “Whether the Council should defer approval of the AGAR pending further review”

Response:

The Council has considered the matters raised prior to consideration of the AGAR and is satisfied that it has sufficient information and advice available to proceed with consideration and approval of the AGAR, including qualifying any responses where required.

9. “Parishioners have the right to place the full matter before the appointed External Auditor”

Response:

The Council acknowledges the statutory right of electors and that they have the right to object during the public inspection period when they consider they have valid concerns. It should be noted that those raising objections to the External Auditor can cause substantial additional audit costs to the Parish regardless of whether any fault is proven or not.
