

The High Court has this week (17 April) heard a judicial review challenge brought by a town councillor over the imposition of sanctions.

The councillor, Elizabeth Harvey, had been investigated by Ledbury Town Council over a grievance raised by a staff member.

Cllr Harvey reported herself to Herefordshire Council, where she is also a member. Following a report from Hoey Ainscough Associates and law firm Wilkin Chapman, Herefordshire concluded that there had not been any breach by her or another sanctioned councillor, Andrew Harrison, of the code of conduct.

However, the town council in May 2016 decided that Cllr Harvey should not sit on any committees, sub-committees, panels or working groups or represent the council on any outside body, and that all communications between her and its clerk and deputy clerk should go through the mayor. Cllr Harrison, was also sanctioned.

A [crowdfunding page](#) set up to raise funds for Cllr Harvey's case said the outcome of the judicial review was "likely to have implications for town and parish councillors throughout England".

It added: "The judicial review will consider whether it is lawful for parish councils to use local grievance procedures to investigate and determine complaints and to ultimately impose measures against councillors; or whether a councillor's conduct must always and only be considered according to the terms of the Localism Act 2011."

The page argued that councillors' conduct was governed, not by employment law, but by their council's Code of Conduct, as described in the Localism Act 2011. "This is a fundamental democratic principle," it said.

The grounds of challenge put forward by the claimant, who is being advised by Anthony Collins

Solicitors, therefore are:

- The town council's powers to determine complaints about councillors through their grievance procedure instead of through the code of conduct procedure set out in the Localism Act 2011;
- The fact that the council's actions, if lawful, were an unjustified interference with her rights as a democratically elected councillor; and
- The way in which the procedure that the council followed was undertaken, namely that it was unfair.

Ledbury in its [detailed grounds of resistance](#) argued that parish councils, as employers had powers to deal internally with grievances made by employees and that these could be raised entirely separately from matters around the code of conduct.

It has reportedly said that it was following advice from Herefordshire Association of Local Councils and from the National Association of Local Councils (NALC).

It is understood that judgment has been reserved.