

MCC Constitution approved by Council on 19th May 2022 (Extract)

42 PROTOCOL FOR SELF REGULATION OF MEMBER CONDUCT

42.1 General Principles

42.1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust amongst members.

42.1.2 The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.

42.1.3 It is not intended to replace the Code of Conduct rather it is intended to sit alongside it, enabling behaviour which may not reach the Ombudsman's threshold to be dealt with.

42.1.4 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.

42.1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media.

42.1.6 These commitments will not stifle legitimate political debate or scrutiny.

42.1.7 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members.

42.1.8 Group Leaders individually and collectively will work to ensure compliance with this protocol.

42.1.9 Members will commit to training and development in support of this protocol.

42.2 Working to avoid problems

42.2.1 To minimise the number of instances of alleged breaches all Group Leaders are asked to commit to:

(a) a Member Learning and Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Learning and Development Strategy identifies and responds to the needs of members;

(b) attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role;

(c) support the provision made by the County Council for complying with sections 5 and 7 of the Local Government Measure 2011 (Annual reports & Training and development)

42.3 Role of Group Leaders

42.3.1 There is a general duty on the leader of a political group to:

(a) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and

(b) co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

In complying the a) and b) above, you must have regard to any guidance issued by the Welsh Ministers.

42.3.2 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different

political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

42.3.3 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.

42.3.4 When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

42.3.5 Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

42.3.6 At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

42.4 Unaffiliated Members

42.4.1 As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

42.4.2 In the event that an unaffiliated member refuses to provide reasonable co-operation to the Chair of the Council, or if the breach is significant, or in the event of repeated breaches, then the Council may remove the unaffiliated member from any committee seats allocated by the full Council. Such a proposal should be put to the Council jointly by the Group Leaders. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer.

42.5 Persistent Breaches

42.5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive and Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches. The collective Group Leaders will also assume this responsibility in relation to unaffiliated members.

42.6 Standards Committee

42.6.1 The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.

42.6.2 Such meetings will be private and informal. Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

42.6.3 When acting in an advisory role to the Group Leaders/Chair of the Council, the Standards Committee has no right of sanction. However, it shall be open to the Group Leader to request that the Standards Committee, as a last resort, issue a public censure against a group member. Where this is to be considered, the member who may be subject to censure will be provided with a

reasonable opportunity to make submissions to the Standards Committee members, either in person or in writing.

42.6.4 The recommendations available to the Standards Committee will include a recommendation that a Group Leader takes action against one of their members, including removal from committee or outside body.

42.7 Protocol - Standard of Conduct Expected of Members

42.7.1 This protocol sets out the standards of conduct expected from Members within Monmouthshire County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct. It adds to these documents and does not detract from them.

42.7.2 Members are expected to:

(a) public behaviour:

- (i) show respect to each other;
- (ii) not to make personal abusive comments about each other;
- (iii) not to publish anything insulting about each other;
- (iv) not to make malicious allegations against each other;
- (v) not to publish or spread any false information about each other;
- (vi) show respect to diversity and equality;

(b) behaviour in meetings:

- (i) behave with dignity;
- (ii) show respect to the Chair and obey their decisions;
- (iii) not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

(c) confidentiality:

- (i) keep the confidentiality of exempt papers and any other documents which are not public;
- (ii) not to release confidential information to the press or the public;
- (iii) not to use confidential information for purposes other than intended;

(d) local members:

- (i) work with Members of adjoining electoral divisions for the benefit of the locality;
- (ii) if dealing with any matter relating to another electoral division:
- (iii) explain to anyone seeking assistance that they are not the local Member;
- (iv) inform the local Member, unless it would lead to a breach of confidentiality.