

Subject: Local Resolution Protocol

Meeting: Standards Committee

Date: 11th March 2024

Divisions/Wards Affected: All

1. PURPOSE:

- 1.1 To seek the endorsement of the Standards Committee of a proposed Local Resolution Protocol to deal with low level member on member complaints in accordance with the guidance of the Public Sector Ombudsman for Wales (“the Ombudsman”).

2. RECOMMENDATIONS:

- 2.2 That the Standards Committee endorses the Local Resolution Protocol attached at Appendix 1, subject to the approval of Council.

3. KEY ISSUES:

- 3.1 The Ombudsman expects Councils to establish local resolution procedures to reduce the number of complaints referred to the Ombudsman relating to ‘low-level’ behavioural issues between members, which typically arise in what may be regarded as the “cut and thrust” of normal Council debates and local politics.
- 3.2 In the Ombudsman’s guidance on the Members’ Code of Conduct (paragraphs 1.17 and 1.18), the Ombudsman states that *“In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority’s reputation.”*
- 3.3 Welsh Government Guidance published in June 2023 states that the Standards Committee annual report must *“confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact”*.
- 3.4 Although the Council currently has some provision for the informal resolution of disputes within the constitution (the Protocol for Self-Regulation of Member Conduct), it does not yet operate a local resolution procedure as envisaged by the Ombudsman.
- 3.5 The Local Resolution Protocol aims to seek the early resolution of ‘low level, member on member’ conduct complaints (often about an alleged failure to show respect and consideration) and avoid the unnecessary escalation of situations which may damage personal relationships within the Council and the Council’s reputation.

- 3.6 A draft Local Resolution Protocol is attached to this report as Appendix 1.
- 3.7 The Local Resolution Protocol provides for a two-stage process for the local resolution of low level disputes. Stage One will involve the Monitoring Officer or other appropriate legal officer attempting to resolve the matter informally with the agreement of all parties concerned. Group Leaders may also be involved at this stage given their statutory obligations pursuant to s.52A Local Government Act 2000 to take reasonable steps to promote and maintain high standards of conduct by the members of their group, and to co-operate with the council's Standards Committee in the exercise of the Standards Committee's functions.
- 3.8 If it is not possible to resolve the matter at Stage 1, the matter may proceed to Stage Two, which is a hearing of the Standards Committee. The procedural rules for the hearing are set out within the Local Resolution Protocol.
- 3.9 Whilst members are not obliged to use the Local Resolution Protocol, and can continue at any time to refer the matter to the Ombudsman instead, the Ombudsman has made clear that members are in the first instance expected to exhaust local processes in relation to low level issues before referring a matter to the Ombudsman.
- 3.10 If members endorse the attached Local Resolution Protocol, then it will need to be approved by a meeting of Council before being incorporated into the Council's constitution and taking effect.

4. REASONS

- 4.1 To ensure the Council operates a Local Resolution Protocol in accordance with the guidance issued by the Public Sector Ombudsman for Wales.

5. RESOURCE IMPLICATIONS

- 5.1 Any hearing conducted under Stage 2 will require resources in terms of officer and member time. Further, co-opted standards committee members are entitled to £210 over 4 hours and £105 up to 4 hours. The chair of the committee is entitled to £268 for over 4 hours and £134 up to 4 hours.

6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)

- 6.1 No implications.

7. BACKGROUND PAPERS

Appendix 1 – Local Resolution Protocol

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