



STANDARDS COMMITTEE – 28TH SEPTEMBER 2017

SUBJECT: MODEL LOCAL RESOLUTION PROTOCOL FOR COMMUNITY AND TOWN COUNCILS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To advise Members of the Model Local Resolution Protocol that had been drawn up by One Voice Wales for use by any Community and Town Council when dealing with low level complaints about its members.
- 1.2 To ask Members to endorse the proposal that all Town and Community Councils in Caerphilly be requested to consider adopting the Model Resolution Protocol attached at Appendix 1 or to use the Model version to develop their own Protocol.

2. SUMMARY

- 2.1 To consider the attached Model Protocol drawn up by One Voice Wales.

3. LINKS TO STRATEGY

- 3.1 The recommended course of action arising from this report contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as part of the role of the Standards Committee is to promote and maintain high standards of conduct of members and co-opted members of the Authority including Community Councils and their members:

- *A resilient Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A globally responsible Wales*

4. THE REPORT

- 4.1 At a recent meeting of all-Wales Monitoring Officers, One Voice Wales gave a presentation on the Model Local Resolution Protocol for Community and Town Councils which they have prepared to assist such Councils when considering low level complaints. A copy of the Model is attached at Appendix 1.
- 4.2 Members will note from the background set out in the Model document that the Public Service Ombudsman for Wales has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the attached as a model protocol which any Community and Town Council can use in dealing with such complaints.

- 4.3 The Model Protocol is meant as a starting point for Community and Town councils and is intended for use where complaints are low level and have been made by an officer (not the Clerk) or another member. Serious complaints or those made by the clerk or a member of the public are recommended for referral to the Ombudsman. Further details as to the use of process are set out in the Model. Individual Town or Community Councils may wish to add or amend the attached model to suit their particular needs.
- 4.4 The Protocol advises that a complaint would need to be sent to the Clerk / Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. The Protocol sets out a proposed resolution process and possible results of the process together with the timing of the process with the intention that it is completed as quickly as possible to resolve the issue.
- 4.5 Members are asked to consider the recommendations set out in the report below.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The recommendations set out in this report contribute to the Well-being Goals as set out in Links to Strategy above. It is consistent with the ways of working as identified as they promote high standards of conduct of members for Town and Community Councils.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications arising from this report.

7. FINANCIAL IMPLICATIONS

- 7.1 Whilst the Monitoring Officer provides governance advice to Town and Community Councils resources are insufficient to operate the Local Resolution Protocol on behalf of such Councils. As such Town and Community Councils will be responsible for the implementation and adoption of the Protocol individually.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications arising from this report.

9. CONSULTATIONS

- 9.1 The report reflects the views of the consultees.

10. RECOMMENDATIONS

That the Standards Committee

- 10.1 The Committee note the content of the report
- 10.2 The Committee endorse the proposal that all Town and Community Councils in Caerphilly be requested to consider adopting the Model Resolution Protocol or to use the Model version to develop their own Protocol.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To inform Members of the Standards Committee and Clerks of Town and Community Councils of the availability of the model Local Resolution Protocol.

12. STATUTORY POWER

- 12.1 Local Government Act 2000.

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Gail Williams, Interim Head of Legal Services and Monitoring Officer
Diane Holdroyd, Chair of Standards Committee
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Appendices:
Appendix 1 Model Resolution Protocol from One Voice Wales