



STANDARDS COMMITTEE – 23RD NOVEMBER 2023

SUBJECT: LOCAL RESOLUTION PROTOCOL

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

1.1 To advise Members of the Standards Committee on the Local Resolution Protocol.

2. SUMMARY

2.1 All 22 principal councils in Wales, along with the National Park Authorities and Fire and Rescue Authorities have local resolution protocols in place to deal with low-level member on member complaints. Similarly One Voice Wales has produced a model local protocol for adoption by town and community councils.

2.2 Attached at Appendix 1 is a copy of the Local Resolution Protocol used by Caerphilly CBC.

3. RECOMMENDATIONS

3.1 The Standards Committee are asked to note the information contained in this report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 For the Standards Committee to be aware of the Local Resolution Protocol and to consider whether it can be improved in any way.

5. THE REPORT

5.1 The Council has adopted a Local Resolution Protocol for a number of years. It is designed to deal with low-level member on member complaints at a local level, rather than members making complaints to the Public Services Ombudsman for Wales ('the Ombudsman') and using up her precious resources. The Ombudsman expects that the protocol is used to deal with these low level complaints.

5.2 The protocol specifies the standards of behaviour expected of members in paragraphs 2.1 and 2.2 of the protocol:

2.1 Public Behaviour

- (a) *Show respect to each other*
- (b) *Not make personal abusive comments about each other*
- (c) *Not publish anything insulting about each other*
- (d) *Not make malicious allegations against each other*
- (e) *Not publish or spread any false information about each other*
- (f) *Show respect to each other's diverse backgrounds and circumstances*
- (g) *Use social media responsibly and in accordance with the Members' Code of Conduct and this protocol.*

2.2 Behaviour In Meetings

- (a) *Behave with dignity*
- (b) *Show respect to the Chairman and obey his/her decisions and conversely Members can expect the Chairman to show mutual respect to Members*
- (c) *Not use indecent language nor make discriminatory remarks that may be deemed to be offensive to any section of society*

5.3 The protocol defines a low-level member on member complaint as :

In order to fall within the remit of this Protocol a complaint should satisfy all of the following criteria:

- (a) *The complaint made by a Member of the Council and relates to a breach of the Code by a fellow Member.*
- (b) *The complaint is "low-level" in nature. Whether or not a complaint is "low-level" in nature will be dependant on the individual circumstances of a complaint.*

The Ombudsman has indicated that "typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other Members under paragraph 6(1)(d) of the Code".

If you are unsure whether a matter you wish to complain about is "low-level" then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman's office) to obtain guidance.

- (c) *The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a "repeated offence" it is likely that it will be appropriate to refer the matter to the Ombudsman directly.*

- 5.4 The protocol details the procedure to deal with a complaint. At stage 1, described in paragraph 4.4 of the protocol, the complaining member, the member complained against and the monitoring officer will informally try to resolve the complaint.
- 5.5 If the complaint cannot be informally resolved, a formal hearing before the Standards Committee will take place following the process as set out in paragraph 4.5 of the protocol. At the conclusion of the hearing, the Standards Committee can come to a number of conclusions as follows:
- (a) that there is no basis to the complaint and no further action required
 - (b) that there is a basis to the complaint but that no further action is required
 - (c) that there is a basis to the complaint and that the Member should be censured at the next meeting of Council and/or additional action should be taken
 - (d) referral to the Ombudsman for investigation and if the complaint is considered to be deserving of more serious sanctions than the Standards Committee has the power to impose.
- 5.6 The Standards Committee has no power to suspend a member under the protocol. The only sanction it can impose is to request that the member is censured at the next meeting of the Council. The member can offer a public apology to the meeting of Council. The Standards Committee could also ask for the member to undergo some form of training relevant to the complaint.
- 5.7 Any complaints made under the protocol will be included in the annual report of the Standards Committee made to the annual meeting of Council in May.

5.8. **Conclusion**

- 5.9 The Standards Committee are asked to note the content of this report and consider whether the protocol can be improved upon.

6. **ASSUMPTIONS**

- 6.1 There are no assumptions contained in this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 As this report is for information only there is no requirement for an Integrated Impact Assessment to be completed.

8. **FINANCIAL IMPLICATIONS**

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

9. **PERSONNEL IMPLICATIONS**

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

10. CONSULTATIONS

10.1 Any consultation responses have been reflected within the body of the report.

11. STATUTORY POWER

11.1 Local Government Act 2000

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Appendix 1: Local Government Resolution Protocol