

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 10 JUNE 2013**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **LOCAL RESOLUTION PROCEDURE**

1.00 **PURPOSE OF REPORT**

1.00 To consider a Local Resolution Procedure for complaints in respect of Members.

2.00 **BACKGROUND**

2.01 The Public Services Ombudsman’s Guidance on the Code of Conduct for Members of Local Authorities in Wales, first published in April 2010 contains the following section:

“Local Resolution Process

During the course of the life of this guidance I expect local authorities across Wales to have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. 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. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraph 4b and 6(1)(d) I am likely to refer the matter back to the Council’s Monitoring Officer for consideration under this process.

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. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority’s local protocol then I would expect the Monitoring Officer to refer the matter back to me.”

2.02 So far 8 Councils in Wales have adopted the Local Resolution Procedure (Blaenau Gwent, Denbighshire, Isle of Anglesey, Gwynedd, Monmouthshire, Rhondda Cynon Taff, Swansea and Torfaen). I have obtained copies of their Local Resolution Procedures and they largely appear to be based on one of 2 models:-

- i) Those based on the Gwynedd Standard (attached at Appendix 1); and
- ii) Those based on the Denbighshire Standard (Appendix 2).

In addition, Swansea City Council has its own unique procedure attached at Appendix 3.

3.00 CONSIDERATIONS

3.01 In adopting a local resolution process I believe it is important that the process is clear, simple and relatively informal in its early stages. The process should not be seen as a replacement for investigation by the Public Services Ombudsman for Wales, which will still remain appropriate for repeated or serious breaches of the Code of Conduct. The procedure should instead be used to address behaviour which either falls short of the breach of the Code or, even though amounting to a breach of the Code, which the Ombudsman would be unlikely to investigate.

N.B. The adoption of a local resolution procedure does not remove the PSOW's discretion to investigate any complaint that is referred to him though his staff will no doubt take into account the existence of such a procedure when deciding how to handle a complaint.

3.02 Since the PSOW made his statement about local resolution procedures, the Welsh Government and the WLGA have also agreed that local resolution procedures should be adopted. They have suggested that such procedures should apply to complaints from officers as well as members. At the All Wales Standards Conference on 17 April 2013 the Public Services Ombudsman for Wales said he did not see why local resolution could not apply to complaints from officers provided the procedure was sufficiently independent of the political process.

3.03 Having weighed up the two different models I would make the following comments:

- The Gwynedd Standard is very simple, is independent of the political process and has the advantage of a clear positive statement of what is expected of Members.
- The Denbighshire model places strong emphasis on training and conciliation and gives the group leaders the prominent role within

the process thus encouraging self regulation.

- The Swansea model gives Group Leaders a prominent role thus encouraging self regulation. It is also clear and simple to understand.

3.04 Of the two procedures I believe that the Gwynedd Standard is simpler to operate and could be adapted to our circumstances very positively. I have at Appendix 4 set out a suggested Flintshire Local Resolution Procedure.

3.05 It should be noted that WG are considering removing the obligation on members to report suspected breaches of the code in order to facilitate the operation of local resolution procedures.

3.06 Members should note that if a local resolution procedure is adopted then officers would also suggest amending the Code of Conduct (see later report).

4.00 RECOMMENDATIONS

4.01 That the Committee recommends to Council the adoption of the Flintshire Local Resolution Procedure at Appendix 4.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

- 12.01 Appendix 1 – Gwynedd Standard
- Appendix 2 – Denbighshire Standard
- Appendix 3 – Swansea Standard
- Appendix 4 - Suggested Flintshire Local Resolution Procedure

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

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