

MEETING

Date of Meeting	Monday, 7 December 2015
Report Subject	REVIEW OF LOCAL RESOLUTION PROCEDURE
Report Author	Gareth Owens

EXECUTIVE SUMMARY

1. The Council adopted the Local Resolution Procedure (LRP) on 25 June 2013. Since then 6 cases have been handled under the LRP and whilst this is a small evidence base it is appropriate to review the effectiveness of the procedure 2 years after its adoption.
2. The experience from the cases shows that where both parties work in good faith the procedure can swiftly and successfully resolve an issue. The speed at which complaints are handled is important in resolving an issue whilst it is relevant and whilst parties are willing to participate. There is no current mechanism for preventing delay and the committee may wish to add such a mechanism.

RECOMMENDATIONS

1	To consider whether to impose a requirement for complaints under the Local Resolution Procedure to be handled with due speed.
---	---

REPORT DETAILS

1.00	LOCAL RESOLUTION PROCEDURE
1.01	Council approved the Local Resolution Procedure at its meeting on 25 June 2015. The LRP provides an alternative route for resolving some breaches of the Councillors' Code of Conduct. The following 6 cases have been handled under the procedure.

	Complainant	Comment
	Councillor A	LRP not appropriate. Case closed.
	Councillors B & C	Apology issued and accepted. Case closed.
	Officer	Apology issued and accepted. Case closed.
	Councillor D	Member not willing to offer an apology and Monitoring Officer did not uphold cause for complaint. Complainant did not want to proceed to stage 2. Case closed.
	Councillor E	Partial compliance with “agreed” resolution by member subject of the complaint.
1.02	The two cases where an apology was issued reflected the optimum scenario for use of the LRP, ie. the councillor subject to the complaint had not realised their actions had caused offence and so apologised immediately. As such these cases presented no difficulties. The case where the Monitoring Officer did not find the complaint justified could have proceeded to stage 2 but the complainant chose not to do so. Again the case did not reveal any flaws or failings in the process.	
1.03	By contrast, the final case has still not been resolved. Currently the procedure imposes a 12 month time limit on bringing a complaint but no upper limit on how long they take to resolve. Whilst issues giving rise to a complaint can be upsetting, it is clear that complaints are easier to resolve, and any outcome (eg. an apology), has more relevance when the matter is fresh. Imposing an upper time limit (eg. 6 months) might be too rigid, though it would be possible to allow extension at the Monitoring Officer’s discretion. Another alternative might be to give the Monitoring Officer discretion to terminate complaints that are not being handled sufficiently quickly in his opinion.	
1.04	The last case also resulted in only partial compliance with the “agreed” mediated settlement by the member complained of. In such circumstances the complainant retains the right to proceed to the next stage or to complain to the PSOW which should be sufficient remedy.	

2.00	RESOURCE IMPLICATIONS
2.01	Providing a mechanism to end complaints will help to conserve resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Any changes to the Local Resolution Procedure will need to be considered by the Constitution Committee and Council prior to adoption.

4.00	RISK MANAGEMENT
4.01	If a complaint is terminated by the Council the complainant retains the right to complain to the Public Services Ombudsman for Wales (PSOW). The

	facts around the failed use of the LRP would be made known to the PSOW who could nevertheless decide to investigate or refer the matter back to the Council.
--	--

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Local Resolution Procedure Contact Officer: Gareth Owens, Monitoring Officer Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Public Services Ombudsman for Wales – an independent body appointed to consider, amongst other things, alleged breaches of the Code of Conduct for Members.