

CONSTITUTION COMMITTEE MEETING

Date of Meeting	Wednesday, 27 January 2016
Report Subject	Proposed alterations to the Local Resolution Procedure
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

1. The Council adopted the Local Resolution Procedure ("LRP") on the 25 June 2013. Since then six cases have been handled under the LRP and it was considered that, as more than 2 years had passed since its adoption, it was appropriate to review the effectiveness of the procedure at a meeting of the Standards Committee.
2. On the 7 December 2015 a report was taken to the Standards Committee in order to review the LRP and with a recommendation to consider whether to impose a requirement for complaints under the LRP to be handled with due speed.
3. The committee resolved to take a report to the Constitution Committee to recommend that the LRP be altered to impose a 30 day time limit for referral of complaints to the Monitoring Officer from the date that the complainant becomes aware of the incident giving rise to the complaint, and to add a time limit to resolving complaints under the LRP of 12 months. It was further resolved that there should be a recommendation that these time limits can be extended at the discretion of the Monitoring Officer.

RECOMMENDATIONS

1	To approve the proposed amended wording to the LRP (as highlighted in tracked changes to the current LRP at Appendix 1) and to take a report to the Council to recommend that the Council adopts that amended wording.
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REPORT DETAILS

1.00	LOCAL RESOLUTION PROCEDURE
1.01	Council approved the LRP at its meeting on the 25 June 2013. The LRP provides an alternative route for resolving some breaches of the Councillors' Code of Conduct. This procedure is available where the Monitoring Officer advises that complaints made to him are ones that are appropriate to be dealt with by the LRP rather than referred to the Public Services Ombudsman for Wales (PSOW). The Standards Committee reviewed the operation of the LRP at a meeting on the 7 December 2015, given that the LRP had been in operation for more than 2 years.
1.02	In reviewing the LRP the Standards Committee considered the local resolution processes of some other Welsh authorities, which had been discussed at the Standards Conference Wales 2015 in Cardiff last October. One of the practices that the Standards Committee considered would improve the operation of the LRP would be to impose a time limit of 30 days to refer complaints to the Monitoring Officer from the date that the complainant became aware of the behaviour giving rise to the complaint. Further, the Standards Committee considered that a 12 month timeframe should be imposed for resolving complaints that had been referred to the LRP.
1.03	In the case of both proposed time limits the Standards Committee considered that the Monitoring Officer should retain a discretion to extend those time limits where the Monitoring Officer considered it was justified to do so. For example, should a Member or officer suffer from illness or be away on a pre-planned holiday it may be considered that an extension of the timeframes would be justified.
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	All changes to the LRP will need to be approved by Council.
4.00	RISK MANAGEMENT
4.01	If a complaint is terminated by the Council the complainant retains the rights to complain to the PSOW. The facts around the failed use of the LRP would be made known to the PSOW who could either decide to investigate or refer the matter back to the Council.

5.00	APPENDICES
5.01	Appendix 1 – Copy of the current LRP with the recommended amendments shown in tracked changes.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Local Resolution Procedure</p> <p>Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew_georgiou@flintshire.gov.uk</p>

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.