

REPORT TO:	Standards Committee
REPORT NO:	HCCS/100/16
DATE:	1 December 2016
REPORTING OFFICER:	Monitoring Officer, Trevor Coxon
CONTACT OFFICER:	Sioned Wyn Davies, Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Review of Local Resolution Protocol and Procedure
WARD:	N/A

1 PURPOSE OF THE REPORT

To review the operation of the Local Resolution Protocol and procedure adopted in September 2013.

2 EXECUTIVE SUMMARY

- 2.1 On the recommendation of the Standards Committee a local resolution protocol and procedure was adopted by the Council in September 2013 entitled the Members' Self-Regulatory Protocol.
- 2.2 The adoption of the Members' Self-Regulatory Protocol was adopted in order to meet the expectations of the Public Services Ombudsman for Wales that a procedure to address low level complaints of breaches of the Code of Conduct be adopted by all Local Authorities in Wales.
- 2.3 This is the third monitoring report submitted to the Standards Committee on the operation of the Members' Self-Regulatory Protocol, there have been no recorded incidents of a referral under the Members' Self-Regulatory Protocol since it was adopted in September 2013.

3 RECOMMENDATION

- 3.1 **To note the contents of the report.**

REASON FOR RECOMMENDATION

To inform the Standards Committee of the operation of the Members' Self-Regulatory Protocol and procedure since its adoption in September 2013.

4 BACKGROUND INFORMATION

- 4.1 In 2013 the Public Services Ombudsman for Wales issued guidance on the Code of Conduct for Members of Local Authorities and recommended that a local resolution procedure was adopted to deal with low level complaints made by a Member against a fellow Member.
- 4.2 The Ombudsman indicated that the complaints falling into this category would include failure to show respect and consideration for others contrary to paragraph 4(b) of the Code and the duty not to make vexatious, malicious or frivolous complaints against other Members under paragraph 6(1)(b) of the Code.
- 4.3 Following consultation with Members in 2013 the Standards Committee recommended a self-regulatory Protocol for approval by Council which was adopted on 25 September 2013.
- 4.4 There have been no instances recorded by the Monitoring Officer of any referral under the Members' Self-Regulatory Protocol. The objective of the local resolution procedure adopted by the Council is to engage early and at a relatively informal level with a view to nipping issues in the bud with minimal involvement from the Monitoring Officer and Standards Committee.
- 4.5 The Group Leaders were consulted on the operation of the Protocol and the only concern raised is that there is no appeal process. Whilst that is the case the process is intended to deal with matters informally with Group Leaders taking responsibility for discipline within their groups. In the event of a sanction or training requirement being contemplated the Group Leader must consult with a Member of the Standards Committee in conjunction with the Monitoring Officer (or deputy) with a view to ensuring fairness and consistency across political groups. Referral to the Public Services Ombudsman for Wales (PSOW) remains an option, although the PSOW will expect the local resolution process to have been exhausted before investigation of a complaint is likely.
- 4.6 In the absence of any instances of referral to the Monitoring Officer or Standards Committee a fundamental review at this time is not merited. It is suggested that a further monitoring report be submitted in 12 months to Standards Committee.

5 IMPLICATIONS

- 5.1 **Policy Framework** – A strong ethical framework and governance arrangements supports the Council Plan outcome of creating conditions for success. Strong ethical arrangements underpin the objectives contained in the Council Plan. It is important that the Council is and is seen to be mature enough to address its disciplinary issues where appropriate.
- 5.2 **Budget** – There are no immediate budgetary implications arising from this report.
- 5.3 **Legal** – By virtue of the Local Government Act 2000 Members are required to comply with the Council's Code of Conduct for Members and adoption of the Self-Regulatory Protocol is compliant with guidance issued by the Public Service Ombudsman for Wales. Members' compliance with the Self-Regulatory Protocol is voluntary. Members are still at liberty to complain directly to the Ombudsman should they so wish.

5.4 Staffing – There are no staffing implications arising from this report.

5.5 Equality and Human Rights – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number CCS/EIA00149/2016. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report. A summary of the Equality Impact Assessment is attached as Appendix 1.

5.6 Risks – There are no specific risks arising from this report.

5.7 Consultation – The Group Leaders have been consulted in the preparation of this report.

6 SCRUTINY COMMITTEE COMMENTS

The matter has not been subject to Scrutiny.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Report HCCS/110/13 to Council “Adoption of Local Resolution Protocol and Procedure”	Council website	http://www.wrexham.gov.uk/MinutesData/Council/Reports/hccs11013.pdf
Associated Minute	Council website	http://www.wrexham.gov.uk/MinutesData/Council/cl25092013m.htm