

<b>COMMITTEE</b>	Standards Committee
<b>DATE</b>	6 November 2023
<b>SUBJECT</b>	Local Resolution Procedure
<b>AUTHOR</b>	Iwan Evans – Monitoring Officer
<b>PURPOSE OF THE REPORT</b>	To report back on the consultations on the review.

### Background

1. The Gwynedd Standard was adopted by the Full Council on 21 October 2010 following the recommendation of the Standards Committee. Its purpose was to establish an acceptable standard of conduct between members and assist the Council to resolve minor complaints of misconduct, namely those complaints that were not serious enough to be referred to the Ombudsman as matters in breach of the Code of Conduct.
2. Alongside the Gwynedd Standard, a Local Resolution Procedure was adopted (see attached as Appendix 1). This managed any allegations that a member had breached the Member/Officer Protocol and it was amended so that it was relevant to complaints made under the Gwynedd Standard also. It provides an avenue for submitting complaints to the Monitoring Officer and resolving issues at a local level.
3. This procedure is used for dealing with low level complaints between Council members. With the advent of the new statutory duties for Group Leaders I believe it is an appropriate time to review the arrangement. The Standards Committee adopted a Protocol in relation to the duties in November 2022 which included the following:

<p><b>Promotion of Good Conduct</b></p> <ul style="list-style-type: none"> <li>• Promote civility and respect within group communications and meetings and in formal Council meetings. Prevent the escalation of the complaint.</li> <li>• Promoting informal resolution procedures in the council; and work with the standards committee and Monitoring Officers to achieve local resolution.</li> <li>• Promote a culture within the Group which supports high standards of conduct and integrity.</li> </ul>	<p>Be willing to have a quiet word with members through early informal conversations, and ask members to consider apologising or delete messages where appropriate.</p> <p>Ensure that members take part in such arrangements and support the process. Contribute towards the development and reviewing of arrangements. Monitoring Officer to include Leaders in discussions regarding procedures and their review with the Standards Committee.</p> <p>Have a standing item at Group meetings around the ethical framework, issues.</p> <p>Have a conversation with MO about questions, complaints, outcomes or any issue that arises.</p>
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[Item 6 - Protocol on the Duties of Political Leaders and the Standards Committee.pdf \(llyw.cymru\)](#)

4. In my view it is therefore appropriate that the resolution procedure to create the space for this discussion where appropriate, Therefore, the procedure would not be appropriate for complaints by members of the public (as with the current situation), staff complaints, failure to declare an interest appropriately or matters which should be referred to the Welsh Public Service Ombudsman .

5. The second aspect which needs to be strengthened under the process is the compliant pathway. This does not amend the arrangements but from experience the nature of the complaints and the way in which they are presented varies. On the one hand this may mean that the initial step involves establishing basic facts or there is lack of detail about the complaint or its basis. It is my intention with the Committee's support to move to a process where the complainant is required to complete a complaint form which will ask for the basic information but also brings an element of formality to the process. A draft form is appended at Appendix 2.

#### **Recommendation**

- 1. That the Standards Committee considers the proposed amendments and makes recommendations to the Council on the Internal Resolution Process.**
- 2. That the Committee supports the Monitoring Officers requirement that a complaint is submitted by submission of a form as part of the Local Resolution process.**

## APPENDIX 1

### **GWYNEDD COUNCIL LOCAL RESOLUTION PROCEDURE**

#### **A PROCEDURE FOR DEALING WITH ALLEGATIONS THAT A MEMBER HAS BREACHED THE MEMBER-OFFICER RELATIONS PROTOCOL OR THE GWYNEDD STANDARD**

#### **INTRODUCTION**

1. The Protocol for Member-Officer Relations is an important tool to promote good co-operation between members and officers within the Council and thereby allow the council to fulfil its duties effectively and professionally. In the same vein the Council has adopted the Gwynedd Standard in order to promote and maintain high standards of conduct amongst members. It is therefore important that any allegations against a member that he/she has breached the protocol or the Standard can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy to understand method of dealing with such allegations.

#### **STAGE 1 OF THE PROCEDURE**

2. Anyone who wishes to submit an allegation under this procedure should send the complaint (in the case of an officer following consultation with the Head of Department) to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will act as follows:-
3. In the first place a brief preliminary investigation will be held to establish the facts (where possible) and the areas of dispute. **A copy of the complaint will be sent to the member within 7 working days of receipt of the full complaint. In the case of a complaint by members against members the Monitoring Officer will send a copy of the complaint to the Group Leader of the member complained about if the member is a Group Member Possible resolution** will be explored with the complainant and the member about whom the complaint is made to establish whether the complaint can be resolved quickly. **With the agreement of the complaining member and the member complained against the relevant Group Leaders may be brought into the process at this point to support the process.** At this stage the complainant will also be advised whether another course of action (e.g. referral to the Ombudsman) is more appropriate. This stage may be undertaken by the Monitoring Officer personally or by another officer appointed by him.
4. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

#### **STAGE 2 OF THE PROCEDURE.**

5. At Stage 2 a meeting will be held between the person making the complaint, the member against whom the complaint is made, the Monitoring Officer and (if deemed appropriate) other persons invited by the Monitoring Officer. Such persons could include, but are not limited to, the Chief Executive and the Group Leader of the relevant political group(s). It is possible for an officer to have a colleague or senior officer from the department with him/her. It is also possible for the matter to be dealt with in the officer's absence in exceptional cases. The purpose of this meeting will be to try and resolve the matter without it going further.

### **STAGE 3 OF THE PROCEDURE.**

6. The third Stage is a hearing before the Standard Committee. The person making the complaint will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.
7. Both the person making the complaint and the member who is the subject of the complaint have the right to appear before the Standards Committee and to submit evidence from witnesses. Written witness evidence alone will not be accepted without the consent of the other side. Both sides will have the right to representation or to have a colleague present. The Council will not meet the costs of representations.
8. If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
9. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer or his representative will be available to advise the Committee.
10. The Committee can come to one of three conclusions, namely :-

- a) That there is basis to the complaint
- 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.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

### **SUPPLEMENTARY MATTERS.**

11. Publicity will not be given to the names of the parties unless it is decided to uphold the complaint. The hearing before the Standards Committee will be exempt.
12. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting. The member may offer an apology at any time up to the hearing but if a hearing has been arranged and the complainant decides that he/she does not wish to proceed with the complaint the consent of the Chair of the Standards Committee is required to cancel the hearing.
13. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents anyone from submitting a complaint to the public services ombudsman for Wales that a member has breached the members code of conduct. The ombudsman could, if he is of the opinion that there is a case to answer, refer the matter to the standards committee or the adjudication panel for Wales which has the power to disqualify members for up to 5 years.