

## 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.

1.1 The aim of this procedure is to try and resolve complaints regarding members quickly and effectively reaching a resolution to low level complaints through consensus. 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.

1.2 This procedure is not suitable for allegations which in the opinion of the Monitoring Officer allege a serious breach of the Code of Conduct. The Monitoring Officer will advise on the suitability of this process based on the facts/circumstances of each case. Examples of what might be regarded as serious breaches include (but are not limited to);

- whether the member deliberately sought personal gain for themselves or another person at the public expense
- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to a person
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity
- alleging repeated breaches of the code of conduct

2. The process is confidential, and information will only be shared outside of those involved in the process, by agreement, aside from statistical data that is provided to the Standards Committee for its Annual Report. At each stage there will be a confidential outcome letter that will record in summary what was discussed and any agreed actions.

3. The process is consensual and all parties must agree to its use, and to progress from Stage 1 to Stage 2.

##### STAGE 1 OF THE PROCEDURE

4. 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:-

5. 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 they are 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.
6. 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.**

7. 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.**

8. ~~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.~~
9. ~~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.~~
10. ~~If either side wishes not to be present or fails to attend, the hearing may be held in their absence.~~
11. ~~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.~~
12. ~~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.**

- ~~13. — 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.~~
- ~~14. — 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.~~
- ~~15. — 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.~~