

ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	FULL COUNCIL
DATE:	4 MARCH 2010
TITLE OF THE REPORT :	PROTOCOL FOR SELF-REGULATION
REPORT BY :	THE GROUP LEADERS
PURPOSE OF THE REPORT :	TO PROMOTE SELF REGULATION

General Principles

- To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members and between members and officers
- In all but serious cases* of alleged misconduct members will make all reasonable attempts to resolve disputes through agreed internal processes
- Referral to external regulators will become a last resort
- Members will avoid personal confrontation in any public forum, especially full Council and through the media
- These commitments will not stifle legitimate political debate or scrutiny
- Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- Group Leaders individually and collectively will work to ensure compliance with this protocol
- Members will commit to training and development in support of this protocol

*evidence of criminality or tangible damage to a third party which is incapable of remedy, or conduct which involves significant evidence of a serious breach of the Code of Conduct which, if proved, would be likely to result in a sanction being applied by the Standards Committee or Adjudication Panel.

Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- **A Member Development Plan** – to which they will secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Development Plan is tailored to meet the needs of members and that the training provided will be “short, sharp and punchy” as opposed to some of the “lengthy,

technical and tedious” training which some members may feel they have been subjected to in the past. A joint working group of members, including a Member Development Champion, a member of the Standards Committee, officers and a representative of the WLGA will be established to drive the Plan, measure its success and make any changes or adjustments to the Plan as it evolves.

- **Job Descriptions and Annual Reports** - Group Leaders have committed to ensuring that all their group members, including those on the back benches, agree to and sign “Job Descriptions” and “Person Specifications”, as a way of reinforcing the principles described above and bringing additional clarity to the roles and responsibilities of members.
- **WLGA Charter** – The Council will sign up to the Charter, fully support its objectives, including appointing a Member Development Champion. Group Leaders will secure individual member commitment to training and keep this under review.

Role of Group Leader in Serious Cases

Serious cases are defined as :

***evidence of criminality or tangible damage to a third party which is incapable of remedy, or conduct which involves significant evidence of a serious breach of the Code of Conduct which, if proved, would be likely to result in a sanction being applied by the Standards Committee or Adjudication Panel.**

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant’s own Group Leader, who will refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

The Group Leader with responsibility for the member against whom the complaint has been made will refer the matter to the appropriate authority. Before making such a referral, the Group Leader may seek the views of the other Group Leaders. Technical advice concerning the filing of complaints may be obtained from the Managing Director or the Monitoring Officer.

Role of Group Leaders and Less Serious Complaints

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant’s own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be “document heavy”. The emphasis should be on training, education, mediation and conciliation.

When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches.

Prior to considering any sanction, or training, the relevant Group Leader may consult with an informal panel (meeting in private) consisting of any two members of the Standards Committee. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each group.

At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

Unaffiliated Members

As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

In the event that an unaffiliated member refuses to provide reasonable co-operation to the Chair of the Council, or if the breach is significant, or in the event of repeated breaches, then the Council may remove the unaffiliated member from any committee seats allocated by the full Council. Such a proposal should be put to the Council jointly by the Group Leaders.

Again, an informal panel of the Standards Committee might be asked by the Chair, or the Group Leaders, to advise on an appropriate sanction.

Persistent Breaches

In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Managing Director and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches. The collective Group Leaders will also assume this responsibility in relation to unaffiliated members.

Action Outside Protocol

Group Leaders will regard any member taking action outside this Protocol (eg referring the matter direct to the Ombudsman, or the Auditors, or the media etc) as a serious breach of discipline. The Chair will take the same view with regard to the conduct of unaffiliated members.

Investigation

In the event that any complaint requires a degree of internal investigation, then the Group Leader, against whose member the complaint has been made, may ask the Managing Director to arrange for this to take place. Bearing in mind the need to ensure that Council

resources are properly utilised, this shall be at the absolute discretion of the Managing Director who will need to be satisfied that investigation is necessary and appropriate taking into account the principles of proportionality, including the nature of the allegation/s and the level of resources required.

Standards Committee

- Owing to any potential issues of conflict, any involvement will include no more than two members of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- Such meetings will be private and informal.
- Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.
- When acting in an advisory role to the Group Leaders/Chair of the Council, the Standards Committee has no right of sanction. However, it shall be open to the Group Leader to request that the Standards Committee, as a last resort, issue a public censure against a group member. Where this is to be considered, the member who may be subject to censure, will be provided with a reasonable opportunity to make submissions to the Standards Committee members, either in person or in writing.
- The recommendations available to the Standards Committee will include a recommendation that a Group Leader takes action against one of their members, including removal from committee or outside body or even that they report their member to the Ombudsman or another appropriate regulator.

Complaints by Officers

- The principles and procedures outlined in this Protocol shall apply equally to complaints made by officers save that :-
 - any such complaint must first be referred, via the relevant Head of Service, to the Managing Director. The Managing Director will, if appropriate, refer the matter to the relevant Group Leader or Council Chair.
 - This Protocol shall not affect the contractual rights of officers to pursue complaints through other HR procedures or processes.

This Protocol will be reviewed in May 2011.

From: Eiddwen Merritt <Eiddwen.Merritt@ceredigion.gov.uk>
To: s-chapman@southwales-fire.gov.uk;
Amanda_Haslam@flintshire.gov.uk; Barry_Davies@flintshire.gov.uk;
Admin@acses.org.uk; . . .
Date: 09 August 2011 7:27am
Subject: FW: Update on the code for the ACSeS Group

Please find enclosed for your attention a note from Katrin at the Ombudsman's Office. We can no doubt discuss at our next meeting but do please forward any observations on this in the meantime.

Many thanks,

Claire

From: Katrin Shaw [mailto:Katrin.Shaw@ombudsman-wales.org.uk]
Sent: 08 August 2011 13:12
To: Claire Jones
Cc: Eiddwen Merritt
Subject: Update on the code for the ACSeS Group

Dear Claire,

Peter has been contacted by some of the Monitoring Officers recently in relation to their authorities proposals for their Standards Committees to deal with low level members vs member code complaints. Although we've responded to the specific enquiries he thought it would be helpful if we updated everyone generally on the issue.

As you may know he has sought the views of the Welsh Government and the WLGA on the possibility of enhancing the role of standards committees within the current legislative framework. He is supportive of the proposal that whenever possible issues are resolved locally in the first instance, and only referred to him if they are not capable of local resolution. The extent to which it is feasible to do so is dependent upon the Welsh Government's view on the future of the Code and whether legislation is proposed in the near future.

As the Code is currently drafted, Peter could not require members to utilise any local protocol before complaining to him, but subject to the Welsh Government's position he would strongly encourage them to do so and consider any complaints where members had not sought to resolve issues first in this context, and it would in all likelihood inform his decision as to whether or not to investigate. This is analogous to Peter's approach in cases of maladministration where we often seek to achieve local resolution where this is possible, to avoid the need for a formal investigation.

Where any complaints are of a more serious nature, for example, if a failure to declare an interest had allegedly tainted a planning decision or where there is an accusation of bullying supported by evidence to that effect, Peter is of the view that it would be most appropriate for such complaints to be referred to this office.

We will update the ACSeS group more generally when the Welsh Government gives a view on the way forward.

Regards

Katrin Shaw

--

Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chyngor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y negest ebost hon.

Disclaimer:

While reasonable care is taken to ensure the correctness of any information and advice given in this correspondence no liability is accepted for losses arising from any errors contained in it and you are reminded of the need to obtain your own professional advice.

The information in this email and any attachments is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or person responsible for delivering this information to the intended recipient, please notify the sender immediately. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it.

Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

--

Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chyngor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato

ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y neges ebost hon.

Disclaimer:

While reasonable care is taken to ensure the correctness of any information and advice given in this correspondence no liability is accepted for losses arising from any errors contained in it and you are reminded of the need to obtain your own professional advice.

The information in this email and any attachments is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or person responsible for delivering this information to the intended recipient, please notify the sender immediately. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it.

Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

CYNGOR SIR YNYS MON/ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	Standards Committee
DATE:	14 th December 2011
TITLE OF REPORT:	To review the Protocol for Member / Officer relations to include the outcome of the pilot for Self-Regulation Protocol
REPORT BY:	Solicitor to the Monitoring Officer
PURPOSE OF REPORT:	To inform the Standards Committee of developments

1. The Protocol for Self Regulation was adopted by the full Council on 4th March 2010 and a copy of the document is attached at Enclosure 1 (13876/85543 & 85544).
2. The Standards Committee's Work Programme includes 3 matters referring to this aspect namely;
 3. "At the request of any Group Leader, to undertake an advisory role in connection with matters arising under the Council's proposed Protocol for Self Regulation."
 11. "To review the Council's Protocol for Member / Officer Relations presently at 5.3 in the Constitution, in conjunction with the Information Protocol."
 12. "Pilot for Self Regulation."
3. Attached as Enclosure 2 is a copy of an email sent on the 8th of August 2011 by Katrin Shaw, the Investigations Manager, with the Public Services Ombudsman for Wales. It can be seen that consideration is being given to this matter by the Ombudsman, the Welsh Government and WLGA. Further information will be provided to the Standards Committee when an update is received from the Ombudsman. In the circumstances, therefore, the Committee is asked to defer further consideration of this matter until May 2012.