

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Standards Committee
DATE:	14 September 2016
TITLE OF REPORT:	North Wales Standards Committee Forum – Meeting 17.10.16
PURPOSE OF THE REPORT:	To provide details on the next meeting of the North Wales Standards Committee Forum
REPORT BY:	Solicitor – Corporate Governance
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1. INTRODUCTION & BACKGROUND

The North Wales Standards Committee Forum is a collective of all the Chairs and Vice Chairs of all North Wales Standards Committees and their representatives from unitary authorities, Fire and Rescue Service and Snowdonia National Park.

2. NEXT MEETING OF THE FORUM

The next meeting of the North Wales Standards Committee Forum is scheduled on Monday 17th October 2016 and will be held in Committee Room 1 of the Isle of Anglesey County Council offices in Llangefni. The meeting is arranged to start at 11:00a.m. with tea/coffee from 10:30a.m.

Nick Bennett, the Public Services Ombudsman for Wales, will be in attendance at this meeting. He will be giving a presentation on 'Local Resolution' and will thereafter participate in a question-and-answer session.

In light of the Ombudsman's attendance and the meeting being held in Anglesey, the other members of the Forum have agreed that the invitation to attend the meeting be extended to include all members of this Authority's Standards Committee.

3. PREPARATORY WORK

If members of the Standards Committee wish to attend the meeting on 17th October, please confirm your attendance with Mared Yaxley on mwyics@ynysmon.gov.uk or 01248 752566.

As noted, the Ombudsman's presentation will be on 'Local Resolution'. By way of background, I attach, at **Enclosure 1**, this Council's Local Resolution Protocol. The attached Local Resolution Protocol has been developed locally following guidance issued by the Public Services Ombudsman for Wales. The Ombudsman indicated its expectation that a procedure to address low level complaints of breaches of the Code of Conduct be adopted by all Local Authorities in Wales. There is no standard Protocol nor any guidance which provides any detail in terms of what should be included in the Local Resolution Protocol and

so each local authority's Local Resolution Protocol is potentially different. Members' compliance with the Self-Regulatory Protocol is voluntary.

If members of the Standards Committee would like to ask any questions to the Ombudsman at the meeting, please send them to Mared Yaxley by Tuesday 4th October 2016. Of course, any questions arising from the Presentation will be on an ad-hoc basis.

4. RECOMMENDATION

- A. To note this report and the invitation to attend the next meeting of the North Wales Standards Committee Forum with the Public Services Ombudsman for Wales on Monday 17th October 2016 at 11:00a.m. in Committee Room 1, The Isle of Anglesey County Council, Llangefni.
- B. To confirm attendance at the North Wales Standards Committee Forum's meeting on 17.10.2016 with Mared Yaxley on mwyics@ynysmon.gov.uk or 01248 752566 as soon as possible.
- C. To forward any questions to the Ombudsman at the North Wales Standards Committee Forum's meeting on 17.10.2016 to Mared Yaxley on mwyics@ynysmon.gov.uk by Tuesday 4th October 2016.

ATODIAD / ENCLOSURE

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ISLE OF ANGLESEY COUNTY COUNCIL

LOCAL RESOLUTION PROTOCOL

Generally

1. The purpose of the Protocol is to promote high standards of conduct, with a view to fostering positive working relationships among Members, and between Members and Officers, to avoid spurious complaints to the Public Services Ombudsman for Wales (PSOW) and to safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against Members under paragraphs 4(b) and 6(1)(d) of the Code of Conduct. That is to say, allegations of failure to show respect and consideration for others, or allegations that a Member has made vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Council.
3. The Protocol seeks to achieve swift mediation and reconciliation. It is not punitive but it may become relevant to sanction if a formal complaint, involving a pattern of similar conduct, is made to the PSOW.
4. The Protocol is not intended to interfere with, or take the place of, group or party discipline.
5. The Protocol is not intended to interfere with, or take the place of, any statutory or contractual rights which Officers may have.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of cases, where a breach of paragraphs 4(b) or 6(1)(d) of the Code may have occurred, but where such a finding would probably not result in disciplinary action. Such cases, at least individually, would not meet the PSOW's threshold test for investigation.

Procedure

7. A Member or Officer wishing to use the Protocol must put their complaint in writing to the Monitoring Officer, explaining when and where the alleged breach occurred, how and why paragraph 4(b) and/or 6(1)(d) have been breached, together with the details of any witnesses and any relevant documentation.
8. Any written complaint must be sent to the Monitoring Officer within 7 working days from the date of the event which is the subject of the complaint, or 7 working days from the date when the event came to the knowledge of the complainant.
9. The Monitoring Officer, or his/her representative, will send a copy of the complaint, and any supporting evidence, to the Member who is the subject of the complaint. That Member will have 7 working days, from receipt, within which to send a written reply to the Monitoring Officer setting out their response and providing details of any witnesses and any relevant documentation.
10. Having received a reply from the Member complained of, or when the time for reply has elapsed, the Monitoring Officer will:-

- copy the full response to the complainant;
 - arrange a meeting of an informal Panel of the Standards Committee to consider the complaint on the first convenient date available for all concerned.
11. The meeting of the Standards Committee Panel will take place in private and any paperwork which it receives, or which it generates, will remain confidential to the Panel, its advisors, and the parties. This is, however, subject to any legal duty to disclose e.g. to the PSOW in the event that matters escalate.
 12. Any informal Panel of the Standards Committee will consist of two Members of the Committee, on a rotational basis, but will not include a Community Council Member.
 13. The parties will be asked to attend the Panel and will be responsible for bringing along any witnesses upon whom they intend to rely.
 14. In the absence of a party or witness it will be a matter for the discretion of the Panel as to whether or not they proceed, or reschedule.
 15. If the complainant, or the Member complained of, is a Member of a political group then he/she may invite their Group Leader to attend the Panel. Any relevant Group Leader is not required to attend, but is encouraged to do so.
 16. The Monitoring Officer, or his/her representative, will attend to advise the Panel.
 17. The procedure of any Panel will be informal. The Panel will endeavour to be fair and even handed to both parties. There will be no rules of evidence, as such, but any witnesses called will only attend to share their information with the Panel; they will not "sit in" during the meeting.
 18. After hearing from the parties, and any witnesses, together with the Group Leaders (should there be Group Leaders in attendance and should they wish to address the Panel) the Panel will then retire to private session, returning to express its view and to put forward any recommendations it may have for resolution. The Panel has no disciplinary powers but may make recommendations to Group Leaders individually, in relation to Members of their Group and, to the Group Leaders collectively in relation to any unaffiliated Member.
 19. There will be no right of appeal under this process.
 20. The parties will receive written confirmation of the Panel's findings and the outcome of all Panels will be reported, albeit in an anonymised format only, to all quarterly meetings of the Standards Committee.
 21. The outcome of any Panel will also be discussed as a standing item at Group Leaders' meetings.