

**STANDARDS & ETHICS COMMITTEE:**

**22 MARCH 2017**

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**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**LOCAL RESOLUTION PROTOCOL**

**Reason for this Report**

1. To enable the Committee to consider proposed amendments to the Local Resolution Protocol adopted by the Council in 2013.

**Background**

2. Under its terms of reference the Standards and Ethics Committee has responsibility to hear and determine any complaints of misconduct by Members, Co-Opted Members or Community Councillors, whether on reference from the Ombudsman or otherwise (paragraphs (d), (g) and (i) of the Committee's terms of reference); and a Hearings Panel (sub-committee) has been appointed by the Committee to discharge these functions on its behalf. The Committee also has responsibility for recommending guidance to the Council and Cabinet on issues of probity (Committee terms of reference, paragraph (h)).
3. The Ombudsman has made representations advising Councils to establish local resolution procedures to reduce the number of complaints referred to the Ombudsman relating to 'low-level' behavioural issues between Members, which typically arise in what may be regarded as the "cut and thrust" of normal Council debates and local politics. In the Ombudsman's latest guidance on the Members' Code of Conduct, the Ombudsman states that "In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation."
4. In May 2013, Cardiff Council adopted a Local Resolution Protocol, upon the recommendations of the Standards and Ethics Committee, to deal with relatively low-level 'member on member' complaints.

5. In accordance with the provisions of the Local Resolution Protocol, the Standards and Ethics Committee has also adopted a Hearings Panel Procedure to govern the proceedings for any matter referred to the Hearings Panel under the Local Resolution Protocol (adopted in July 2013). The Hearings Panel Procedure was reviewed and updated by the Committee in March 2016. However, the Local Resolution Protocol itself has not been reviewed since its adoption in 2013.

## **Issues**

6. The Local Resolution Protocol adopted in May 2013 requires review to ensure it remains up to date and fit for purpose. To this end, the following amendments to the Protocol are recommended:
  - a. Update of the Introduction section to refer to current guidance from the Ombudsman (paragraph 1);
  - b. Further guidance to be provided on the types of complaints suitable for local resolution under the Protocol (paragraph 2);
  - c. To give the Monitoring Officer discretion to decide the most appropriate method to seek informal resolution (paragraph 3); and
  - d. To add to the list of factors which may be relevant to the Hearing Panel's decision on an appropriate sanction (paragraph 4.3),

As marked up and shown in the draft revised Protocol attached as **Appendix A**.

7. The Committee is also asked to consider whether the Protocol should be extended to low level complaints made by officers about the conduct of a Member. Such complaints are generally dealt with informally by the Monitoring Officer. However, the extension of the Local Resolution Protocol to officers would make Hearing Panel proceedings available where necessary, and may similarly help to avoid unnecessary escalation of the situation and damage to personal relationships within the Council and the Council's reputation. It is understood that some other authorities do already extend their local resolution process to officers.
8. The Committee may also wish to consider whether the Protocol should be extended to include low-level Member-on-Member complaints involving Community Councillors. Members will note, however, that local resolution is a voluntary arrangement, currently having no statutory force, so this would need to be agreed with the Community Councils.
9. Members are also invited to consider whether any other amendments should be made to the Local Resolution Protocol.

## **Legal Implications**

10. Any amendments to the Local Resolution Protocol adopted by Council in May 2013 will require the approval of full Council.
11. Other relevant legal implications are set out in the body of the report.

## **Financial Implications**

12. There are no direct financial implications arising from this report.

## **RECOMMENDATION**

The Committee is recommended to:

1. Consider the recommended amendments to the Local Resolution Protocol shown in **Appendix A**;
2. Provide views on any other amendments to the Protocol considered appropriate having regard to paragraphs 7, 8 and 9 of the report; and
3. Recommend the proposed amendments to the Local Resolution Protocol to full Council for approval (with delegated authority for the Monitoring Officer, in consultation with the Standards and Ethics Committee Chairperson, to make any minor amendments to the Protocol as may be required from time to time).

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

15 March 2017

## **Appendices**

Appendix A            Local Resolution Protocol – proposed amendments

## **Background Papers**

Local Resolution Protocol, Council report 23/05/13  
Standards & Ethics Committee report 'Hearings Panel Procedure 22/03/16; and minutes thereof