

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

3 APRIL 2013

REPORT OF THE MONITORING OFFICER

LOCAL RESOLUTION FOR DETERMINATION OF CONDUCT COMPLAINTS

1. Purpose of Report

- 1.1 To provide Council with a draft Local Resolution Protocol for the determination of complaints made by a Member against another Member(s) in response to the Ombudsman's recent guidance.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 There are no direct links to the Corporate Improvement Plan and Corporate Priorities.

3. Background

- 3.1 Members will be aware that the formal route for complaints relating to the conduct of another Member under the Code of Conduct for Members would be for the complaint to be made directly to the Public Services Ombudsman for Wales.
- 3.2 Around a third of complaints referred to the Ombudsman are made by a Member against a fellow Member and many of these complaints relate to low-level behavioural issues. Many of these, if investigated by the Ombudsman would not result in a sanction being imposed.
- 3.3 In September 2012, the Ombudsman revised his Guidance for Members to encourage informal local resolution of low-level complaints in order to avoid the need for a formal investigation by the Ombudsman and to avoid unnecessary escalation of the situation which might impact on personal relationships and potentially cause wider damage to corporate governance or the reputation of the Council.

4. Current situation / proposal

- 4.1 The Monitoring Officer is aware that a number of other local authorities (Swansea, Cardiff, Monmouthshire, Torfaen) have developed their own local protocols for the determination of low-level complaints without the need for referral to the Ombudsman.
- 4.2 A copy of the draft Local Protocol which sets out what is expected of Members and the procedure by which complaints may be dealt with in-house is set out at Appendix A.

4.3 Members will still have the ability to take a complaint directly to the Ombudsman if they so wish and legislation does not formally create the ability for sanctions to be imposed under a local Protocol; however, it is recommended that all Members agree to abide by the Protocol.

5. Effect upon Policy Framework& Procedure Rules

5.1 There is no impact on the policy framework and procedure rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications

7.1 There are no financial implications.

8. Recommendation

8.1 Council is asked to note the contents of this report and approve the adoption of the draft Local Resolutions Protocol attached as Appendix A.

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Background Documents

The Code of Conduct for members of local authorities in Wales - Guidance from the Public Services Ombudsman for Wales (published September 2012)