



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Member / Member Local Dispute Resolution Protocol

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| Purpose: | To consider the Protocol on Member/Member Local Dispute Resolution Protocol and proposed changes |
| Policy Framework: | Standards Committee Terms of Reference – Council Constitution. |
| Consultation: | Legal, Access to Services and Finance. |
| Recommendation(s): | It is recommended that the Standards Committee: 1) Consider the updated Protocol on Member/Member Local Dispute Resolution attached at Appendix A and make recommendations to Corporate Management Team and Council on formal adoption. |
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1. Background

- 1.1 The Standards Committee terms of reference include at section 7.3 an overview of the operation and maintenance of the Member/Member Dispute Resolution Protocol.
- 1.2 The Protocol (attached at Appendix B) was approved and adopted by Council on 9 June 2011 following a recommendation from Wales Audit Office and the Public Service Ombudsman for Wales Office to reduce the number of low level complaints going to the Ombudsman.
- 1.3 Following its adoption by Swansea Council the Protocol has been adopted by all Authorities in Wales and many of the Community & Town Councils.
- 1.4 The Protocol has rarely been used by this Council and not surprisingly therefore has not been reviewed since its adoption.
- 1.5 The Ombudsman continues to be keen on local dispute resolution for low level complaints and therefore the Protocol is being reviewed and the views of the Standards Committee are sought.

- 1.6 The current Protocol consists only of a flowchart. It is felt that some guidance is needed to go with the flowchart and that is included at Appendix A. The guidance builds on the duty of Group Leaders to maintain the highest ethical standards within their group.
- 1.7 Consideration will need to be given to those councillors who are not members of a political group (non aligned) and also to the position of Group Leaders should a complaint be made against them. To that extent a role for the Presiding Member and / or a lay member of Standards Committee has been included within the guidance.
- 1.8 The Standards Committee is asked to comment on the draft.
- 1.9 This is the first stage in reviewing the Protocol. It is intended to take the Protocol to Corporate Management Team and ultimately Constitution Working Group and full Council for adoption.

2. Integrated Impact Assessment

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

3. Financial Implications

3.1 There are no financial implications associated with the report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix A – Updated Protocol Member/Member Dispute Resolution Protocol

Appendix B – Flowchart Councillor/Councillor Complaints