

Council Constitution, Part 5.9 - Codes and Protocols: Councillor / Councillor Dispute Resolution Protocol

1. Purpose

- 1.1 The purpose of this Protocol is to promote high standards of conduct and encourage a positive working relationship between Councillors across the Council. When signing their declaration of office Councillors are agreeing to sign up to the Code of Conduct. That Code is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community and when making decisions.
- 1.2 Local Authorities across Wales have all implemented local resolution procedures to deal with low level complaints which are made by a Councillor against a fellow Councillor. Complaints which are made relating to failure to show respect and consideration for others or the duty not to make vexatious, frivolous or malicious complaints are ideally dealt with under the Dispute Resolution Protocol.
- 1.3 This does not prevent a Councillor making a direct complaint to the Public Service Ombudsman for Wales but the aim of the Protocol is to resolve matters at an early stage and avoid any unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation.
- 1.4 Group Leaders have a duty under legislation to maintain the highest standards of ethical behaviour within their group. The Protocol therefore puts Group Leaders at the heart of ensuring that Councillors utilise the local dispute resolution process. The Protocol is not intended to interfere with or take the place of internal group/party discipline.

2. Application

- 2.1 Issues which will be considered under the Protocol include:
 - Low level complaints between Councillors
 - Complaints as to failure to show respect and consideration either verbally or in writing
 - Behaviour which is vexatious, frivolous and malicious
- 2.2 Issues which will not be considered under the Protocol include:
 - Serious complaints or allegations of misconduct
 - Allegations of failure to declare interests
 - Complaints from members of the public
 - Complaints against officers

3. Procedure

- 3.1 First stage – the Councillor who wishes to use the Protocol should put their complaint in writing and send to their Group Leader, the Group Leader of the Councillor subject of complaint and the Monitoring Officer. An attempt should be made at this stage to address the complaint informally eg by way of an apology. In the event that the complaint is against a Group Leader then the Presiding Member will be consulted and fulfil the role of Group Leader. If the complaint involves an

unaligned Councillor then the Presiding Member will be consulted and fulfil the role of Group Leader.

- 3.2 Second Stage – In the event that the matter cannot be resolved informally then the matter should be referred formally to the Monitoring Officer/Head of Democratic Services and the matter referred to the Councillor Mediation Panel (CMP). The Councillor Mediation Panel will consist of the relevant Group Leaders (or Presiding Member) and Councillors involved (and will be arranged by the Monitoring Officer).
- 3.3 Any discussions of the CMP will be confidential and held in private session. Any paperwork, minutes of decision etc will remain confidential to the parties subject to any duty to disclose to the Public Service Ombudsman for Wales.
- 3.4 Third Stage – Following the CMP the Panel will liaise with the Monitoring Officer as to the agreement reached and any actions to be undertaken. Where appropriate the Monitoring Officer will formally write to the Councillors advising them of the agreement. Examples of actions could include – attendance on training course, removal from committee, formal apology, withdrawal of comments made/posted.

4. Standards Committee

- 4.1 An Independent Member of the Standards Committee may play a supporting/advisory role to the Group Leaders. The inclusion of a Standards Committee lay member will be initiated at the request of the Group Leaders in a particular case. Participation by lay members should be on a rotational basis to prevent any conflict of interest.
- 4.2 Any discussions with the Standards Committee lay member and involvement with the CMP will be confidential. Save that the number of times the Protocol is invoked in any given year will be reported to the Standards Committee and with an indication as to whether the dispute was resolved within the Protocol process.
- 4.3 The terms of reference of the Standards Committee include oversight of the Protocol.

**Councillors Local Dispute Resolution
“Councillor vs Councillor Complaints”**

