

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 5 June 2017
<b>Report Subject</b>	Local Resolution Procedure for Town and Community Councils
<b>Report Author</b>	Gareth Owens, Monitoring Officer

### EXECUTIVE SUMMARY

The most recent Ombudsman's guidance on the Code of Conduct for Town and Community Councils (July 2016) encourages the use of local resolution for low level complaints. The County Council adopted a local protocol in June 2013. That procedure would not have been appropriate for town and community councils and until now there was no suitable precedent for them to adopt.

One Voice Wales have now produced a protocol. It is relatively simple in nature, which should make it easy to use and/or adopt to local circumstance. The procedure will only work where both parties try to make it work, and the same is true with Flintshire's own local resolution process. Failure to cooperate might therefore be a factor in favour of referral to the Ombudsman for formal investigation.

### RECOMMENDATIONS

1	That the Committee endorses the One Voice Wales Local Resolution procedure and encourages its adoption by town and community councils.
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## **REPORT DETAILS**

<b>1.00</b>	<b>LOCAL RESOLUTION</b>
1.01	For some time the Public Services Ombudsman for Wales (PSOW) has been concerned about the growing number of, generally, low level complaints under the Code. His office has recently instituted a two stage test to “weed out” those cases not worthy of investigation, so that only the most serious are allocated scarce investigation resources.
1.02	The Ombudsman was asked about local resolution when he attended the North Wales Standards Committee Forum in October 2016. The minutes from that meeting are set out in Appendix 1.
1.03	The PSOW referred to a precedent local procedure that was being prepared by One Voice Wales. That procedure is now available and is attached at Appendix 2. The procedure is intended for use where complaints are low level and have been made by an officer (not the clerk) or another member. Serious complaints, or those made by the clerk or a member of the public are recommended for referral to the Ombudsman.
1.04	The procedure is relatively simple. Hopefully, this will contribute to its widespread adoption. The simple nature of the document does mean that some flexibility and a willingness to make the process work will be required. Experience with our own local protocol indicates that it works best with willing participants as well. If one party refuses to cooperate then it is still open, and perhaps preferable, to refer the matter to the PSOW.
1.05	If councils are to adopt such a process then it is easier to do so when there are no complaints outstanding/under consideration. Given that all councils have just been through elections, the next few months should be an ideal time to consider and adopt the process. The Committee is therefore asked to endorse the procedure and recommend its adoption.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Council officers give governance advice to town and community councils. Resources are insufficient to operate such a local resolution process for other councils. Town and community councils will therefore have to operate this process themselves. There would therefore be minimal resource implications for the County Council.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	There are no risk implications for the County Council.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Notes of North Wales Standards Committee Forum Appendix 2 – Model Local Resolution Procedure - One Voice Wales

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	One Voice Wales protocol  <b>Contact Officer:</b> Gareth Owens, Monitoring Officer <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p>PSOW – Public Services Ombudsman for Wales Public Services Ombudsman For Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.</p> <p>WLGA – Welsh Local Government Association The <b>Welsh Local Government Association</b> (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the 3 fire and rescue authorities and 3 national park authorities are associate members.</p> <p>The WLGA's primary purposes are to promote better local government and its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.</p>