



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 MARCH 2021

**UPDATE ON TOWN & COMMUNITY COUNCIL USE OF THEIR LOCAL
RESOLUTION PROTOCOLS**

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update on Town & Community Council's use of their Local Resolution Protocol.

2. RECOMMENDATIONS

- 2.1 That the Committee notes the information contained in the report and determines whether any action is required in response to it.

3. BACKGROUND

- 3.1 As Members will be aware during the last several years Town & Community Council's within Rhondda Cynon Taf have adopted local resolution protocols for dealing with low level member on member complaints that arise.
- 3.2 Prior to their adoption the Public Services Ombudsman for Wales (PSOW) had been concerned about the growing number of, generally, low level complaints being made under the Code.
- 3.3 The PSOW's guidance on the Code of Conduct for Community and Town Councils encourages the use of local resolution for low level complaints. To support that process One Voice Wales produced a template protocol, which is relatively simple in nature and which could be adapted and adopted as necessary.
- 3.4 The nature of the protocol means it will only work where both parties try to make it work. Failure to cooperate might therefore be a factor in favour of referral to the PSOW for formal investigation.
- 3.5 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 PSOW.

3.6 The simple nature of the document does mean that some flexibility and a willingness to make the process work is 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.

4. USE OF THE LOCAL RESOLUTION PROTOCOL DURING THE PERIOD 1ST JANUARY 2020 – 28TH FEBRUARY 2021

4.1 In early March we undertook a survey of all Town & Community Councils and asked the Clerk to respond to the following questions (where applicable):

- 1) *Please confirm whether you have received any complaints made under the Protocol during the period 1st Jan 2020 – 28th Feb 2021? Yes/ No.*
- 2) *If Yes, please provide details of the nature of each complaint and allegation(s) being made – please anonymise as necessary and complete Q3 -5 for each complaint as appropriate.*
- 3) *Please confirm for each complaint whether it was able to be resolved informally? If yes, what was the outcome of the informal resolution reached?*
- 4) *If the complaint was not able to be resolved informally did it proceed to the formal resolution part of the Protocol?*
- 5) *If any complaint reached the formal resolution part of the Protocol what was the outcome of that process?*
- 6) *Were any complaints originally considered under the Protocol subsequently escalated to the Public Services Ombudsman for Wales? Yes/No*

Please also provide any general observations or comments you have on the operation of the Protocol during the relevant period. All observations and comments will be anonymised when reported back to the Standards Committee.

4.2 I am pleased to report that out of the twelve Town & Community Councils 10 reported they had received no complaints under the protocol during the reporting period and the Clerks raised no other issues in respect of its operation.

4.3 One Community Council reported they had an issue which soon escalated from an original low-level member on member type complaint to a wider complaint which is the subject of an ongoing complaint to the PSOW. The local resolution protocol was therefore not used as a result.

4.4 A second Community Council confirmed it had received three complaints under the protocol all received in the same month. The complaints covered issues with comments made by a member about other members on social media, comments made at a meeting by a member and a claim that a member had published false allegations about other members.

None of the complaints were resolved informally and an issue was raised as to the constitution of the panel to conduct the hearing under the protocol. Advice was therefore sought from the Ombudsman's Office who confirmed the make-up of the complaints panel was satisfactory and did not need to be changed. None of the complaints have since progressed through the formal

process to date and the Clerk considers it is no longer in the public interest for these to be pursued given the passage of time.

- 4.5 Several Clerks have also indicated they would welcome a meeting with myself as Monitoring Officer to discuss standards and code of conduct issues generally. I think this is a sensible way forward particularly in light of local elections in being held next May when historically there is an increase in complaints prior to such elections.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this report.

6. FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

19 MARCH 2021

REPORT OF THE MONITORING OFFICER

Background Papers: Freestanding matter

Contact: Mr Andy Wilkins – Monitoring Officer (and Director of Legal Services)