



**LOCAL RESOLUTION PROCESS –
PRACTICALITIES AND THE RCT EXPERIENCE –
FUTURE ROLE?**

Paul Lucas

Monitoring Officer

Rhondda Cynon Taf County Borough Council

BACKGROUND - Nature of Code of Conduct Complaints / Ombudsman's Position

- Majority of complaints received during 2014/15 related to matters of 'equality and respect'.
- In 2014/15 this accounted for 35% of the code of conduct complaints received compared with 36% in 2013/14.
- Arrangements are proving to be effective at resolving many of these kinds of complaints.
- Councillors expected to make their complaints about other Councillors within their authority to their monitoring officer.

- Ombudsman continues to receive 'low level' complaints of this type. Generally involve allegations of failures to show respect and consideration of others under paragraph 4(b) and 6(1)(d) of the code.
- Ombudsman reviewed his practice in dealing with the complaints of this type - will be taking a firmer position in the future - referring these 'low level' complaints back to monitoring officers to be dealt with locally.
- Such complaints more appropriately resolved informally and locally in order to speed up the complaints process and ensure that his resources are devoted to the investigation of serious complaints.
- Where a member has reported a fellow member to their MO under the local resolution process - no need to report the matter to the Ombudsman as well.

REMINDER – Why have a Local Resolution Process?

- Speed up resolution / Resolve matters at an early stage.
- Encourage mediation and reconciliation - avoid the unnecessary escalation of the situation.
- Encourage collective responsibility.
- Reduce 'politically motivated' and vexatious complaints.

RCT Local Resolution Protocol and Procedures

- Adopted Gwynedd protocol model – 2011.
- Striking the balance between the formal and informal – intended to reduce time/administrative burden but requirement for set of procedures to be adopted to support protocol.
- Protocol and procedures amended as lessons were learnt from dealing with cases as they arose - e.g. using social media responsibly.
- Make up of panel dealing with complaints – In RCT - Standards Committee Members.
- Amended Member/Officer protocol to give access to local resolution process.

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JULY 2011	At a full Council meeting Cllr X said to Cllr Y “ Councillor, give your a**e a chance” – Cllr Y complained	Yes	Cllr X was reprimanded
DECEMBER 2011	At a Development Control meeting Cllr X described the conditions of an application site “as bad as a gypsy site” –Cllr Y complained	No Cllr X accepted he made the remark and apologised immediately after	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
DECEMBER 2011	At a Development Control meeting Cllr X was alleged to have made abusive remarks to Cllr Y and asked him 'to come outside and sort this' which Cllr Y took as a threat – Cllr Y complained	No Based on evidence no decision could be made on the context of the use of the words 'come outside and sort this' as the wording could be open to wider interpretation	N/A
DECEMBER 2011	At a meeting of full Council Cllr X made inappropriate comments by stating the word 'corrupt' in a venomous manner and which was directed at a particular political groups' Members – Cllr Y complained	No Concluded word corrupt was used but because of differing opinions Committee could not come to an agreement on the context in which the word 'corrupt was used – he could have used the word corrupt to mean 'blatantly wrong' and not to connote any dishonesty on behalf of any Member.	N/A

HEARING DATE	COMPLAINT	BREACH YES/NO	SANCTION
JANUARY 2012	At a full Council meeting Cllr X during a debate referred to Members of a particular political group as 'hypocritical parasites' in a very threatening manner. Cllr Y complained. Cllr Y felt statement went beyond normal cut and thrust of political debate.	Yes Cllr X did not deny using term and evidence he continued to use it on Twitter.	Cllr X was reprimanded
MARCH 2013	At a full Council meeting Cllr X referred to Cllr Y as a 'bigot' during debate in response to a statement made by Cllr Y. Cllr Y complained and Cllr X put in a counter-complaint about the statement made by Cllr Y who referred to polish people as 'poles'	No Conflicting evidence presented to Committee as to the use of the word 'bigot' or 'bigotry' and the context in which the words were used No breach found and Committee Members noted the need for Members to appreciate the cut and thrust of political debate.	N/A

FINDINGS

- Members must take responsibility for the complaint – pursuing it and responding promptly to requests for information.
- Motives – spike in complaints before an election.
- Importance of a strong panel/committee membership hearing and dealing with complaints.
- Has led to improvement in behaviour – No new cases since April 2013 - Led to a better understanding of what would be considered a legitimate complaint – boundaries of cut & thrust of political debate.

FUTURE

- Increase in cases being dealt with under local resolution process.
- Community councils - member/officer protocols, roll out of the local resolution process? & sanctions.

DISCUSSION AND QUESTIONS FROM THE FLOOR