

Y PWYLLGOR SAFONAU
11/12/2023

Pwnc

**PROTOCOL AR GYFER UNIONI CWYNION LEFEL ISEL GAN
AELOD YN ERBYN AELOD YNGHYLCH Y CÔD YMDDYGIAD**

Y Pwrpas:

Sicrhau bod y Pwyllgor yn ymwybodol o gynnwys y Protocol a'r defnydd a wnaed ohono.

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Dim

Y rhesymau:

Mae cwynion yr ymdrinnir â nhw o dan y Protocol yn rhan o adroddiadau blynyddol Arweinwyr y Grwpiau i'r Pwyllgor.

Angen i'r Cabinet wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad OES (os yw'r Pwyllgor Safonau am
argymell newidiadau i'r Protocol)

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:- Amherthnasol

Y Gyfarwyddiaeth: Y Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:
Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth
a'r Gyfraith

Rheolwr y Gwasanaethau
Cyfreithiol

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EXECUTIVE SUMMARY

11/12/2023

PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON MEMBER CODE BREACH COMPLAINTS

In or around 2013 the Public Services Ombudsman for Wales asked County and County Borough Councils to voluntarily adopt a their own protocol for informally resolving low-level member on member code breach complaints so as to firstly, speed up the complaints process and secondly to ensure that his resources were devoted to the investigation of serious complaints, failing which he might have to consider asking Welsh Government to legislate it. Authorities complied and produced their own Protocols.

As the Protocol was aimed at resolving low level complaints and Authorities were not specifically given powers to sanction, the arrangements being put in place needed to be proportionate. The Protocol adopted by this Authority at its meeting of the 10th July 2013 is annexed to this Report. As can be seen it places the responsibility for resolving such complaints on the Group Leader/s, that is the Group Leader of the complained about member and the Group Leader of the complaining member where the two members are from different Groups, or the Chair of Council in the case of Unaffiliated members.

Low level member on member complaints typically concern alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code, or the making of vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code.

Very little use has been made of the protocol since adoption although to an extent this is reflective of the relatively low number of member-on-member code of conduct complaints between County Councillors. The Group Leaders Reports provided to the Standards Committee for the 2022/2023 municipal year revealed 2 matters had been considered under this protocol.

The Local Government and Elections (Wales) Act 2021 imposed a new duty on Group Leaders to promote high standards of conduct amongst their Group members, which is consistent with the arrangements this Authority put in place in 2013 to place responsibility on resolving low level complaints on Group Leaders.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *Linda Rees-Jones*

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	Any changes to the Protocol would be a decision for Full Council	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *Linda Rees-Jones*

Head of Administration and Law

1. Scrutiny Committee request for pre-determination	N/A
Scrutiny Committee	N/A
Date the report was considered:-	N/A
Scrutiny Committee Outcome/Recommendations:-	
Not Applicable	

2. Local Member(s)

Not Applicable

3. Community / Town Council

Not Applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not Applicable

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED	Not applicable
NO	

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal Department File	DPSC-216	County Hall Carmarthen

