

**STANDARDS COMMITTEE**  
**11/12/2023**

**Subject**

**PROTOCOL FOR RESOLVING LOW LEVEL MEMBER ON  
MEMBER CODE BREACH COMPLAINTS**

**Purpose:**

To make the Committee aware of the content of the Protocol and the use that has been made of it.

**Recommendations / key decisions required:**

None

**Reasons:**

Complaints dealt with under the Protocol form part of the Group Leaders Annual Reports to the Committee

Cabinet Decision Required	NO
Council Decision Required	YES - if the Standards Committee wish to recommend changes to the Protocol.

CABINET MEMBER PORTFOLIO HOLDER:- Not applicable

Directorate: Chief Executives	Designations:	Tel: 01267 224018
Name of Head of Service:		Email addresses:
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Report Author:	Legal Services Manager	
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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 10<sup>th</sup> 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
<b>NONE</b>	<b>Any changes to the Protocol would be a decision for Full Council</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# 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

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

**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

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b>  NO	Not applicable
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**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

