

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To receive an update on the progress in establishing a Mediation Scheme as an alternative remedy in seeking to resolve some of the complaints received by the Committee under its Standards Arrangements.
- 1.2 To approve amendments to the council's Standards Arrangements so as to incorporate the Mediation Scheme and to authorise the Monitoring Officer to make such other amendments as are considered necessary following consideration of this report by the Committee.

2. BACKGROUND INFORMATION

- 2.1 At the last two meetings of the Committee discussion has turned to the possibility of the council developing a Mediation Scheme that could be offered to Town and Parish Councils as an alternative means of attempting to resolve some of the complaints that are received by the Committee under its current Standards Arrangements.
- 2.2 Members will be aware that the Committee continues to produce an annual report, and provide training, on the numbers and types of complaints that it receives in the year under the Members' Code of Conduct. Analysis suggests that some of the complaints might be better suited to being mediated rather than investigated under the council's Standards Arrangements and that mediation might offer a more realistic prospect of resolving those conduct related complaints particularly involving members of the same Town or Parish council before they become too entrenched and potentially disruptive to the smooth running of the council concerned.
- 2.3 Discussions have been held with the council's Human Resources Service who have developed the enclosed Mediation Scheme (Appendix 1) which could be offered to Town and Parish Councils to mediate complaints between their members or following a recommendation by the Committee (acting through an Assessment Panel or the Monitoring Officer) following receipt of a Standards complaint.
- 2.4 The concept of introducing a Mediation Scheme has been discussed with both Independent Persons as well as the Chief Executive of ERNLLCA, all of whom are supportive.

- 2.5 It will be necessary to revise the council's Standards Arrangements to incorporate the potential for mediation to be recommended as an alternative means to resolving complaints informally or indeed as a means of local resolution following investigation or as part of the sanctions available following investigation. A copy of the council's current Standards Arrangements are enclosed (Appendix 2) showing suggested changes in bold.

3. OPTIONS FOR CONSIDERATION

- 3.1 The Committee can decide not to progress with the development of a Mediation Scheme and leave the council's Standards Arrangements as they are.
- 3.2 The Committee can decide to progress with the development of a Mediation Scheme and amend the council's Standards Arrangements to incorporate the same.

4. ANALYSIS OF OPTIONS

- 4.1 The development of a Mediation Scheme and consequential amendments to the council's Standards Arrangements should ensure that the council is able to refer for mediation those complaints that it considers are amenable to such approach. This is particularly so in relation to conduct related complaints involving members of the same Town or Parish council. In the longer term this should encourage members to try and resolve complaints directly rather than proceed straight to a complaint under the Standards Arrangements.
- 4.1 Not to develop the Mediation Scheme will not address the Committee's own analysis that mediation may be a preferable approach to resolving some of the types of complaint that it has been called on to consider, particularly those conduct related matters involving the same members of a Town or Parish council.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 In the cases where the complaint involves members of the same Town or Parish, that council should bear the costs of the mediation. In other cases, this might be an issue that the Committee would wish to determine on a case by case basis.
- 5.2 It is hoped that mediation might provide a more efficient use of council resources in resolving some types of complaint. Formal investigations under the council's Standards Arrangements can often take months to resolve and the process by its very nature can be viewed as adversarial, whereas mediation might produce a speedier, more proportionate and conciliatory outcome.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 There are none that have been identified.

7. OUTCOMES OF CONSULTATION

7.1 This report follows discussions by the Committee at its last two meetings and responds to the Committee's own analysis that some complaints might be better suited to mediation as an option rather than formal investigation.

7.2 The concept of developing a Mediation Scheme has been discussed with both Independent Persons as well as the Chief Executive of ERNLLCA, all of whom are supportive.

7.3 The Monitoring Officer also mentioned the possibility of a Mediation Scheme being developed at two training sessions he delivered to Town and Parish Councils in December, and again this was positively received.

8. RECOMMENDATIONS

That the Committee:

8.1 Notes and approves the Mediation Scheme as detailed in Appendix 1;

8.2 Approves the amendments to incorporate the Mediation Scheme into the council's Standards Arrangements as detailed in Appendix 2; and

8.3 Authorises the Monitoring Officer to make such other amendments as are considered necessary to the council's Standards Arrangements following consideration of this report by the Committee.

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Background Papers used in the preparation of this report: Relevant legislation and guidance