

ANGUS COUNCIL – 4 NOVEMBER 2010

ESTABLISHMENT OF AN INFORMAL CROSS-PARTY MEDIATION BOARD

JOINT REPORT BY THE CHIEF EXECUTIVE AND THE DIRECTOR OF CORPORATE SERVICES

**ABSTRACT:**

This Report proposes the establishment of an informal cross-party Mediation Board to mediate upon and attempt to resolve any issues of conduct prior to or instead of referring the matter to the Standards Commission.

**1. RECOMMENDATIONS**

1.1 It is recommended that the Council agree:

- (i) to the establishment of an informal cross-party Mediation Board to comprise two members from the Administration and non-Administration (with relevant substitutes should the individuals be involved); and
- (ii) to note that as it is envisaged meetings of the Mediation Board will be informal, it is proposed that the Council's Standing Orders and the provision of the Local Government (Access to Information) Act 1985 will not apply.

**2. BACKGROUND**

2.1 At a meeting held on 17 May 2010 attended by the Chief Executive, the Head of Law and Administration (as Monitoring Officer) and representatives from the Standards Commission, the Standards Commission expressed concern regarding the number of complaints referred to them by Angus Councillors in recent years. The Standards Commission explained that in their opinion many of the complaints referred to them resulted from inter party conflict. The views of the Standards Commission were expressed in a decision letter dated 10 August 2010:-

"I endorse and support the Findings of the Accounts Commission and the Audit Scotland Best Value 2 Audit Report regarding the current poor political relationships within Angus Council and the assessment that there is a specific need to improve the Council's governance "by ensuring that all political groupings can work better together to improve outcomes for the people of Angus". I consider this to be a matter of some urgency. The Standards Commission for Scotland has, as part of its Guidance on the Code, encouraged all Councils to adopt and operate local arrangements or protocols for inter-councillor working which it was envisaged would also enable minor difficulties between elected members to be resolved at political leadership levels within the Council without the need for reference to me".

2.2 The Standards Commission accordingly, recommend that a review body be set up to try to resolve conflict between the individuals involved prior to referral to the Standards Commission. This will not limit or prohibit any future referral to the Standards Commission but will simply be a way to mediate upon issues at a local level.

**3. COUNCILLORS CODE OF CONDUCT**

3.1 One of the key principles of the Councillors' Code of Conduct which was set up under the Ethical Standards in Public Life etc (Scotland) Act 2000 is respect for both fellow Councillors, employees and members of the public in general.

- 3.2 Paragraph 3.14 of the Code provides that a Councillor must respect the Chair of any meeting, his/her colleagues, Council employees and any members of the public within the Chamber during Council or Committee meetings or other formal proceedings of the Council.
- 3.3 The Code of Conduct also requires Councillors to respect each other in the interests of the electorate whom they represent.
- 3.4 In accepting the recommendation of the Standards Commission and the comments by Audit Scotland, it is proposed that an informal cross-party Mediation Board be established to enable members to raise issues which might otherwise be referred to the Standards Commission in an informal and private forum with a view to resolving the problem without the need to refer the matter to the Standards Commission.

#### **4. REMIT AND MEMBERSHIP OF INFORMAL CROSS-PARTY MEDIATION BOARD**

- 4.1 It is proposed that either:-
- (i) the matter be raised with the Chief Executive who would call a meeting of two members (not being the principal parties involved in the complaint) from both the Administration and non-Administration who would meet informally and would have the opportunity to question the individuals both making and being the subject of the complaint. The participation of Councillors in the process would be voluntary. The cross-party Mediation Board would then consider the complaint and try to mediate and resolve the matter; or
  - (ii) where the Councillor considers it inappropriate to refer the matter as outlined in (i) above, they may refer the matter directly to the Standards Commission.
- 4.2 Where the Mediation Board make a recommendation regarding resolution of the problem, the recommendation shall be submitted to the Standards Commission in any following referral and the Standards Commission will be entitled to take this information into account in investigating the complaint. It is therefore recommended that the Chief Executive and the Head of Law and Administration (as Monitoring Officer) should attend all meetings of the Mediation Board to assist members in their deliberations and to ensure that an informal record is maintained of the Board's conclusion. However, they may be asked to withdraw whilst a specific issue is being considered by members.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this Report.

#### **6. HUMAN RIGHTS IMPLICATIONS**

- 6.1 There are no Human Rights implications arising from the recommendations contained in this Report.

#### **7. EQUALITIES IMPLICATIONS**

- 7.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

#### **8. CONSULTATION**

- 8.1 The Head of Law and Administration and Head of Finance has been consulted in the preparation of this report.

**9. CONCLUSION**

- 9.1 This Report is proposed to ensure that the reputation and standing of Angus Council as a whole is not damaged by the referral of complaints to the Standards Commission and proposes the establishment of an informal cross-party Mediation Board to attempt to resolve or mediate in disagreements between Councillors.

**DAVID S SAWERS**  
**CHIEF EXECUTIVE**

**COLIN McMAHON**  
**DIRECTOR OF CORPORATE SERVICES**

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

**L&A/SCH**

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