

## Introduction

1. LGA political appointments fall into two categories
  - 1.1 Local authority elected members who are elected by General Assembly, or appointed by the political groups to sit on the LGA's governance structures, or nominated by the political groups to represent the LGA on external bodies ("LGA elected members").
  - 1.2 MPs and MEPs who are elected by the General Assembly as president or appointed by the political groups as vice presidents of the LGA ("LGA president/*vice presidents*")
2. This protocol covers both categories and covers any formal complaint or grievance raised against either an LGA elected member or an LGA president/vice president. It includes complaints made by any person or persons with whom the individual has interacted in the course of his/her LGA business, including
  - 2.1 other LGA elected members;
  - 2.2 elected or officer representatives of organisations;
  - 2.3 LGA staff under the LGA's formal grievance procedure.
3. The LGA does not have the equivalent of the local standards committee, which would have no statutory locus or powers to undertake an investigation or impose sanctions. The procedure is instead overseen at member level by the Audit Committee, whose terms of reference include responsibility to "*consider issues of probity and conduct and agree action necessary to ensure an appropriate ethical framework*".

## Section 1 - LGA <sup>1</sup>Democratically Elected Local Representatives

4. Under the Localism Act 2012, councils must adopt a Code of Conduct for Members that is consistent with the seven Nolan principles of *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*, and put in place local arrangements for handling allegations that a member of the council has failed to comply with the code. All members are subject to the code adopted by their home authority.
5. Paragraphs 6-8 clarify how local codes of conduct apply to the conduct of LGA business. Paragraphs 9-12 set out the procedure for handling complaints or grievances raised against democratically elected local representatives undertaking roles in or on behalf of the LGA.

## Conduct of LGA Democratically Elected Local Representatives

6. The letters of appointment sent each year to LGA elected representatives state that

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<sup>1</sup> Includes elected members, mayors and police and crime commissioners

*“Democratically elected local representatives serving on LGA member structures, or otherwise undertaking LGA business, are required to operate in accordance with the member code of conduct of the home local authority they are representing”.*

7. This approach was endorsed by the Standards Board for England in 2008. A similar approach is adopted by other Associations and bodies, including the UK delegation to the Committee of the Regions.
8. LGA elected representatives are also required to complete and update annually a register of interests, which is open to public inspection.

### **Procedure for handling complaints against LGA Elected Representatives**

9. The LGA has a two-stage process in place for handling any complaint or grievance against a LGA elected representative in relation to their conduct whilst on LGA business.

#### **Stage 1 - internal**

10. In the event of a complaint being received against an LGA elected representative during the conduct of his/her LGA responsibilities, the stage 1 procedure will apply:
  - 10.1 The complaint should be passed to the chief executive of the LGA.
  - 10.2 The chief executive will notify the chairman and relevant vice chair that a complaint has been received.
  - 10.3 The LGA chief executive will nominate a senior LGA officer to undertake an initial investigation of the complaint (*“the investigating officer”*).
  - 10.4 The investigating officer will notify the head of paid service of the home authority(ies) of the elected representative against whom the complaint has been received that the LGA will be carrying out an internal investigation.
  - 10.5 As part of the internal investigation, the investigating officer will interview the complainant, the elected representative against whom the complaint has been made and any witnesses to the alleged incident(s).
  - 10.6 When the initial investigation is complete, the investigating officer will convene a meeting of the Audit Panel and present a report with a recommendation that either:
    - a. there was no case to answer;
    - b. there was substance to the complaint, but recommending an approach to informally resolve the matter (for example through an apology);
    - c. the complaint should be referred formally to the home authority’s standards committee for investigation and adjudication.
11. The aim, where possible, should be to seek to resolve the complaint through stage 1. It would, of course, be open for the complainant to refer the matter to the home council, if he or she was not satisfied with the LGA’s approach or findings.

### **Stage 2 – referral**

12. If the complaint cannot be resolved at stage 1, the LGA chief executive will pass full details of the complaint to the home authority of the elected representative against whom the complaint has been raised, addressed to the monitoring officer, for investigation and adjudication.

### **Serious offences**

13. Any allegation of a serious offence committed by an LGA elected representative whilst on LGA business will immediately be referred to the police for investigation and the elected representative against whom the allegation is made will be temporarily suspended from LGA business.
14. In the event that an LGA elected representative is under investigation for a serious offence either by the police, the home standards committee or Public Services Ombudsman for Wales, and is temporarily suspended by his/her home authority, then that elected representative will also be suspended from membership of the LGA body.

### **Historic allegations**

15. Historic allegations against LGA elected representatives will be considered on a case-by-case basis and may be investigated subject to decision by the Audit Committee. Referral under stage 2 will only apply if the member against whom the complaint is raised is still an elected member of the authority/ies that they were elected to at the time of the alleged incident.
16. Allegations of serious offences will be referred to the police for investigation.

## **Section 2 - LGA President/Vice presidents**

17. The LGA President is elected annually by General Assembly. Vice presidents are appointed annually by the four political groups and their appointments endorsed by the General Assembly.

### **Conduct of LGA President/vice presidents**

18. The LGA President/Vice presidents are elected by virtue of the fact that they are serving Members of Parliament, Peers, Welsh Assembly Members and Members of European Parliament. All are bound by their respective Codes of Conduct. With the exception of MEPs, these are based on the seven Nolan principles of *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*. MEPs have a separate code of conduct which is not based on those principles.
19. Letters of appointment sent each year to the LGA President/Vice Presidents include specific reference to the relevant code. *“The LGA President and Vice Presidents are required to operate in accordance with the Code of Conduct for Members of Parliament/for Members of the House of Lords/for MEPs/for Welsh Assembly Members”*.

### **Procedure for handling complaints against LGA President**

20. In the event that a complaint is made against the LGA President, the following procedure will apply.
  - 20.1 The complaint should be sent to the chief executive of the LGA.
  - 20.2 The chief executive will first alert the chairman and vice chairs of the Association. If they feel that the allegations are sufficiently serious to impact on the reputation of the LGA, then the individual will be asked to step down temporarily pending the outcome of an investigation.
  - 20.3 The chief executive will nominate a senior LGA officer to undertake an initial investigation of the complaint ("*the investigating officer*").
  - 20.4 As part of the internal investigation, the investigating officer will interview the complainant, the member against whom the complaint has been made and any witnesses to the alleged incident(s).
  - 20.5 When the initial investigation is complete, the investigating officer will present a report to the chairman and vice chairs of the Association, with a recommendation that either:
    - d. there was no case to answer;
    - e. there was substance to the complaint, but recommending an approach to informally resolve the matter (for example through an apology);
    - f. the complaint is upheld.
21. In the event that the complaint is upheld and is deemed by the chairman and vice chairmen to be of sufficient gravity to impact on the reputation of the LGA, then the individual will be asked to resign as President and/or his/her appointment will be terminated.
22. The investigating officer will report to the Audit Committee on the outcome of the investigation and any action taken.

### **Procedure for handling complaints against LGA vice presidents**

23. In the event that a complaint is made against an LGA vice president, it is the responsibility of the relevant political group to take appropriate actions, through their group executive. If the complaint becomes subject to a formal investigation or the complaint is upheld, the group may ask the vice president to step down.
24. No replacement vice presidents will be appointed mid-year.