

Protocol for conduct of LGA political appointments

Introduction

1. LGA political appointments fall into two categories
 - 1.1 Democratically elected local members who are elected by General Assembly or appointed by the political groups to sit on the LGA's governance structures; or who are nominated to represent the LGA on external bodies or in any agreed capacity ("LGA elected members").
 - 1.2 Members of Parliament, Peers or Welsh Assembly Members who are elected by the General Assembly as President of the LGA, or are 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 other 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 and Risk Assurance Committee, whose terms of reference include responsibility to *"consider issues of probity and conduct and agree action necessary to ensure an appropriate ethical framework. Receive reports of investigations into complaints against LGA elected members"*.

Section 1 - LGA Elected members

4. Under the Localism Act 2012, councils must adopt a Code of Conduct for Members that is consistent with the seven principles of public life - *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.
5. The LGA does not have its own Code of Conduct but instead requires all LGA Elected Members to operate in accordance with the code of their home council.
6. The letters of appointment sent each year to LGA Elected Members state that "*Councillors serving on LGA's 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. LGA Elected Members are also required to complete and update annually a register of interests, which is open to public inspection.
8. This protocol sits alongside the *LGA Elected Member-Officer Protocol*, which sets the expectations of Members and officers of the LGA in their working relations with one another.
9. The LGA has a two-stage process in place for handling any complaint or grievance against a LGA elected member 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 member in the conduct of their 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 chair of the LGA and relevant vice chair (group leader) that a complaint has been received.
 - 10.3 The 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 chief executive(s) of the home authority(ies) of the elected member 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 member 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 and Risk Assurance 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) or that the relevant group takes appropriate action (for example to remove the individual from their LGA role);
 - 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 member 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 member whilst on LGA business will immediately be referred to the police for investigation and the member against whom the allegation is made will be temporarily suspended from LGA business.
14. Any LGA elected member suspended by their home authority, will automatically be suspended from membership of the LGA and will not be eligible to hold any position until such times that any suspension is lifted.

Historic allegations

15. Historic allegations against LGA elected members will be considered on a case-by-case basis and may be investigated subject to decision by the Audit and Risk Assurance 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.
18. The LGA President/Vice presidents are serving Members of Parliament, Peers or Welsh Assembly Members. All are bound by their respective Codes of Conduct, which are based on the seven Nolan principles of *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*.
19. Letters of appointment sent each year to the LGA President/Vice Presidents state that *"The LGA President and Vice Presidents are required to operate in accordance with the Code of Conduct for Members of Parliament/Members of the House of Lords/Welsh Assembly Members"*.

Procedure for handling complaints against the 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 chair and vice chairs of the LGA. If they feel that the allegations are sufficiently serious to impact on the reputation of the LGA, the President 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 The investigating officer will interview the complainant, the President and any witnesses to the alleged incident(s).
 - 20.5 The investigating officer will present their report to the LGA chair and vice chairs, 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 chairs to be of sufficient gravity to impact on the reputation of the LGA, then the President will be asked to resign and/or their appointment will be terminated.
22. The investigating officer will report to the Audit and Risk Assurance 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.