

Dealing with Disputes

1. Introduction

Given that community councils are public representative bodies, dealing with important and even *contentious* matters, it is understandable that disputes occasionally arise. These disputes may be between individual members of the community council, between the community council and another individual or even between the community council and the City Council. Whatever the situation, it is important that community council members remain conscious of their responsibilities and seek a sensible resolution to any kind of disagreement as quickly and amicably as possible. The following procedures may be useful as a general guide, though in handling disputes of any kind, there is no substitute for common sense, consensus and compromise.

2. Disputes Within the Community Council

The Chair is responsible for conducting business at meetings and it is essential that due deference is paid to the Chair by all present. The Chair decides the order of business, who will speak and for how long.

While business is being discussed, it is important that the Chair ensures that all points of view have equal time to be aired. Towards the end of a debate the Chair may summarise the arguments for and against a motion to ensure the minute secretary (and others) clearly understand the pertinent issues. If a consensus cannot be reached on any point, the Chair should take a vote with the majority verdict prevailing. **All members of the community council will be bound by this decision.**

3. Disputes Between the Community Council and Members of the Public

Individual members of the public may wish to attend meetings of their local community council to hear certain items of business being discussed. While they may not vote or otherwise interfere with the conduct of the meeting, they may be invited to speak at the discretion of the Chair.

A member of the public may request that their community council consider a particular issue. This request must be considered by the members. If it is considered appropriate, then the matter should be included on the agenda for the next regular meeting of the community council. The Secretary or Chair should write to the person who raised the issue, inviting them to speak to the matter. If the community council does not consider the request appropriate, then a letter should be sent to the individual concerned notifying them of the reasons. Details of the request and the refusal should be reported to the next meeting of the community council and recorded in the minutes. **The person should be advised that if they are aggrieved by this decision then they may refer the matter to the City Council.**

4. Conduct of Community Council Members

Although the Chair has overall responsibility for conduct at meetings, each individual member of a community council is responsible for their own behaviour and has a duty to comply with the Code of Conduct. However sensitive an issue may be and however strongly people may feel, it is absolutely essential that community council members maintain a respectful demeanour. Personal differences must not be allowed to undermine the correct conduct of business. This is equally true whether it involves a disagreement between two community council members or between a community council member and another person.

In the event that a debate becomes too heated, the Chair must intervene and bring the meeting to order. If any of the protagonists has resorted to inappropriate language or behaviour, it is the responsibility of the Chair to immediately ask the 'offender' to apologise. (Common sense suggests that this is the best way of preventing long-lasting and damaging grievances from emerging).

5. Disputes *with* the City Council

Where a community council experiences difficulties with a department of the City Council, it should first attempt to resolve them with the appropriate officer. If problems persist, then the community council should approach the line manager of the officer concerned. If a satisfactory resolution still cannot be achieved, then the community council should seek the assistance of the director of the department concerned.

For complaints and suggestions about anything that the City Council does, contact the Quality and Customer Care Unit on 200 2000 (or e-mail: customer.care@edinburgh.gov.uk). Copies of the City Council's 'Suggestions and Complaints Guide', with a Freepost form, are available in local area offices or phone the above number.

6. Disputes Resolution and Appeals Process

In the event that a disagreement or dispute has arisen which the community council is unable to resolve, then the community council may wish to ask the City Council to help. However, this does not mean that the City Council should be the first point of contact in such a situation. **The City Council should only be approached as a last resort, once all reasonable steps have been taken by the community council to deal with the problem.**

The dispute resolution procedure will apply only in cases involving serious allegations of misconduct or lack of probity and/or where a community council has taken all reasonable steps to resolve the matter but has been unable to do so. The City of Edinburgh Council reserves the right to refer the matter back to the community council where these criteria are not met.

If a dispute arises which relates to one or more community councillors considered to be in breach of the Code of Conduct then the following staged process will apply.

Stage 1 The issue is to be raised, in the first instance, with the community council – either in writing or in person – by individual members of the community council or the public. The community council will establish whether the individual member(s) of the community council are in breach of the Code by considering the matter at a special meeting. The meeting will be convened by the Chair unless he/she is the subject/involved in the allegation in which case this will be done by another office bearer. The Chair (or other office bearer) will be responsible for ensuring that all aspects of the alleged breach are considered, ensuring equal representation from both sides in the dispute. After a full consideration of the facts, the community council members will decide by vote on whether the allegation is upheld.

Stage 2 Where the allegation of serious misconduct is upheld and no other recourse is available, the community council can write to the Community Council Liaison Officer reporting the breach considered to have occurred, giving details of the breach and the outcome of the decision/vote taken by the community council. The Community Council Liaison Officer will refer the matter to the Council's Arbitration Officer to facilitate a resolution that uses the procedure in stage 3. The Arbitration Officer shall be appointed by the Head of Performance and Community Engagement, Services for Communities.

Stage 3 The Arbitration Officer will consider the information provided and undertake any further investigation he/she deems necessary reserving the right to refer the matter back to the community council if appropriate. If the Arbitration Officer finds that a breach has occurred and the matter cannot be resolved through conciliation, the Officer will advise both parties of the outcome and it will fall on the community council to implement the recommendations which may include any of the actions listed below:

- 1 A warning issued by the community council requiring that the conduct giving cause for concern cease;
- 2 Suspension for a period of between 1 and 3 meetings of the community council by action of the community council.
- 3 Disqualification for a period not exceeding three years.

