

CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 21 OCTOBER 2014

REPORT OF THE MONITORING OFFICER AGENDA ITEM: 8

COMMUNITY COUNCILS CHARTER

Reason for this Report

1. To enable the Committee to consider the Community Councils Charter and concerns about its effectiveness.

Background

2. The Standards and Ethics Committee has statutory responsibility for the promotion and maintenance of high standards of conduct within the Community Councils in its area (paragraph (g) of the Committee's terms of reference); and also to consider ethical issues arising from complaints (Terms of Reference, paragraph (e)); and to recommend to Council and the Cabinet any additional guidance on issues of probity (Terms of Reference, paragraph h).

Issues

3. On 8th March 2012, the Executive adopted a Community Councils Charter ("the Charter"), following consultation with relevant stakeholders, including the six Community Councils within the Council's area and the Standards and Ethics Committee. The Charter is attached as **Appendix A**, and reflects the model Charter issued by the Welsh Government under section 130-133 of the Local Government (Wales) Measure 2011.
4. The aim of the Charter is to support structured, regular engagement and communication between the County Council and the six Community Councils in Cardiff, based on the key principle of equality of partnership between the two tiers of local government.
5. The Charter provides that it is to 'be fully reviewed every four years or more often if there is a need to do so'; and that the 'Standards and Ethics Committee will also review progress towards achieving the measures and actions set out in the Charter and Charter Action Plan respectively on an annual basis'.
6. At various previous meetings of the Standards and Ethics Committee, the Community Council member of the Committee has expressed concerns about the implementation of the Charter; and the Acting Chair of the Committee has

received a letter dated 14th August 2014 from a Planning Committee member, Councillor Robson, reiterating the view that the Charter is not working effectively. Councillor Robson's letter conveys complaints made about insufficient consultation time given to a Community Council in respect of a particular planning application. The letter is appended as **Appendix B**.

7. The Committee is recommended to consider the Charter and the concerns raised; and to instruct the Monitoring Officer to invite the Director for Communities and the Director for Strategic Planning to report to its next Committee meeting to provide further information on how the Charter is being implemented, so that the Committee can make informed recommendations to the Cabinet (or Council, as appropriate) on any ethical or probity issues arising.

Legal Implications

There are no direct legal implications arising from the recommendations of this report.

Financial Implications

There are no direct financial implications arising from the recommendations of this report.

RECOMMENDATION

The Committee is recommended to:

1. Consider the Community Councils Charter and the concerns raised; and
2. Instruct the Monitoring Officer to invite the Director for Communities and the Director for Strategic Planning to report to its next Committee meeting to provide further information on how the Charter is being implemented

Marie Rosenthal
County Clerk and Monitoring Officer
14 October 2014

Appendices

Appendix A	A Shared Community – Charter Between Cardiff Council and Community Councils in Cardiff
Appendix B	Letter from Councillor Robson to Richard Tebboth, Acting Chair of Standards and Ethics Committee, dated 14 August 2014

Background Papers

Standards & Ethics Committee report 'A Shared Community – Charter Between Cardiff Council and Community Councils in Cardiff', 31st January 2012; and minutes thereof;

Executive report 'A Shared Community – Charter Between Cardiff Council and Community Councils in Cardiff', 8th March 2012; and minutes thereof;

‘A Shared Community’

Charter between Cardiff Council and Community Councils in Cardiff

Introduction

The six Community Councils of Lisvane; Old St Mellons; Pentyrch; Radyr & Morganstown; St Fagans and Tongwynlais and the County Council of the City & County of Cardiff (hereby referred to as ‘Cardiff Council’) have agreed to publish a Charter which sets out how we aim to work together for the benefit of local communities whilst recognising our respective responsibilities as autonomous, democratically elected statutory bodies.

The Charter is designed to build on existing good practice and embrace the shared principles of openness, respect for each other’s opinions, honesty and our common priority of putting citizens at the centre. The Charter is based on equality of partnership and is not a top-down arrangement.

Partners to the Charter

Unitary Authority

- Cardiff Council

Community Councils

- Lisvane Community Council
- Old St Mellons Community Council
- Pentyrch Community Council
- Radyr & Morganstown Community Council
- St Fagans Community Council
- Tongwynlais Community Council

Recognition

We accept the legitimacy and benefits of partnership working whilst at the same time recognising and respecting each other's roles. We aim to work together as a partnership of equals rather than tiers.

Cardiff Council	Community Councils
Acknowledges and recognises that community councils are the grass roots level of local government. In their role as democratically accountable bodies, community councils offer a means of engaging with local people, of decentralising the provision of certain services, and of revitalising local communities.	Recognise the strategic importance of Cardiff Council and the economy of scale and appropriate distribution of certain services they are able to achieve.
Recognise and respect the diversity of community councils and that their needs vary according to size, and the extent to which they participate varies.	Recognise that community councils come within the common umbrella of Cardiff Council.

Local Governance

We will be clear about the expectations that we have of each other in order to facilitate a smooth working relationship. In this regard, we will define the way in which we interact with each other. We will be clear about the role of councillors at all levels in the relationship and in community leadership.

Cardiff Council	Community Councils
Will hold liaison meetings with nominated representatives of community councils that wish to take part. Such meetings will be held in the first instance on a quarterly basis at a location to be mutually agreed and which is convenient for all councils. These meetings will be known as Community Liaison Meetings.	Will contribute towards the agenda of liaison meetings and contribute proactively to the attendance and discussion.
Will nominate an appropriate officer(s) to act as a liaison between Cardiff Council and community councils.	Will contact the nominated liaison officer(s) on the agreed issues and make them aware of any difficulties being encountered.
Will ensure that community councils are formally represented on the Council's Standards and Ethics Committee and the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy. Cardiff Council will seek to ensure that these arrangements are regarded as suitable and sufficient.	Will invite local county councillors/officers (as appropriate) from Cardiff Council to community council meetings and will provide a space on their meeting agendas for presentations.
Will administer the holding of community council elections.	Will notify the need for community council elections in a timely manner.
	Will facilitate public participation at all relevant meetings of the community council and its committees to encourage community involvement.

Consultation

We appreciate the importance of meaningful consultation and set out a genuine commitment among all parties to consult on matters of mutual concern. We will agree clear, specific and time limited procedures and processes for consultation.

Cardiff Council	Community Councils
Will aim to give community councils the opportunity to comment before making a decision that affects the local community (particularly on matters relating to planning and other environmental proposals).	Will respond to consultation opportunities in a timely manner, addressing the key issues in the consultation document, where applicable.
Will publish dates of public meetings and agendas & reports for Executive, Council and other Committee meetings on the Council's website as soon as possible.	Will make full use of the papers available to them to inform local decision-making.
Will, in accordance with existing protocols and subject to available resources, allow appropriate officers to attend meetings with community councils (or groups of community councils) at a mutually agreed time to discuss matters of common interest when requested to do so and given sufficient notice.	Will provide an opportunity for local county councillors/officers (as appropriate) from Cardiff Council to speak at community council meetings on matters of mutual interest.
Will encourage scrutiny committees to consult with community councils on relevant local issues.	Will respond to requests to input views to scrutiny committees.

Information and Communication

We appreciate the need for timely, clear and relevant information and communication in fostering good relationships and better joint working for the benefit of local people.

Cardiff Council	Community Councils
Will provide community councils with a list of appropriate contact persons, telephone numbers and e-mail addresses.	Will utilise the agreed contact points and respond in the most appropriate and timely method.
Will communicate by providing appropriate consultation documents and other information electronically to community council clerks for distribution to community councillors.	Will ensure that all community councillors have access to the appropriate documents.

Joint Working and Engagement

The Charter defines 'partnership' as working together towards a common set of goals, based on equality in terms of ownership, decision-making and recognition of each party's distinctive contribution. It is recognised that an equal and effective partnership brings benefits and responsibilities to all those involved. Local government at both tiers must work together to promote the economic, social and environmental well being of our area. If doing things differently achieves a better service, we will seriously examine these methods.

Cardiff Council	Community Councils
Will provide the opportunity for community council clerks to meet with the Monitoring Officer or an officer representative from Cardiff Council to discuss common concerns and resolve issues, at the specific request of the clerks.	Will encourage participation by community council clerks in opportunities to network and share common concerns.

Land Use Planning

Community councils know and understand their local area and must be able to comment effectively on planning matters. Cardiff Council is able to take an overview of the needs of the whole local area and make decisions, taking local views into account.

Cardiff Council	Community Councils
Will reaffirm its statutory duty to consult community councils on all planning applications in, or directly affecting, their communities.	Will make appropriate responses to Cardiff Council recognising the parameters imposed by planning law and agreed planning policy.
Will inform a community council of any site visit by Planning Committee members relating to a planning application in its area.	Will offer community councillors training on planning issues to ensure that they have a sound understanding of how planning law works.
Will provide a community council with a copy of the final report relating to a planning decision in its area within seven days of the decision being made, if the community council has submitted written representations in relation to the planning application.	Will maintain an objective and professional approach to planning matters at all times.
Will provide community councils with details of relevant Planning Committee meetings so that community councillors may attend as observers.	Will encourage community councillors to take up the opportunity to attend meetings of Cardiff Council's Planning Committee as observers.
Will provide timely information to a community council about any planning appeals in its area.	

Practical Support

In order to be effective, elected members and officers must be well-trained and have the support they need to carry out their roles.

Cardiff Council	Community Councils
Will, where practical, offer community councils access to support services, to enable them to take advantage of facilities such as printing, IT and purchasing at the Council's agreed rate to recover costs.	Will follow established procedures to access support services from Cardiff Council, but will also have the opportunity to make their own arrangements.

Expertise

We will encourage continuous development of officers and members in both Cardiff Council and the community councils, either in their individual groupings or together. Improved expertise leads to professionalism and more effective joint working.

Cardiff Council	Community Councils
Will offer member induction training to community councillors to enable them to understand the role and function of the unitary authority.	Will provide an induction to newly elected community councillors to enable them to undertake their role effectively.

Ethics

We will provide an ethical service to local people, following the appropriate standards and Codes of Conduct. We will encourage links between community council clerks and Cardiff Council's Standards & Ethics Committee.

Cardiff Council	Community Councils
Will, through the appointed Monitoring Officer, support community councils in the timely consideration and provision of advice & training in relation to the application of the Member Code of Conduct.	Community councillors shall not make vexatious complaints under the Member Code of Conduct and will provide all such information as required by the Monitoring Officer to enable him/her to carry out his/her function effectively.

Financial Arrangements

Both Cardiff Council and the community councils recognise the need for clarity and transparency in financial arrangements. In developing and implementing financial arrangements, relevant national and local priorities will be taken into account.

Cardiff Council	Community Councils
Will, in setting the level of council tax for the area, have regard to services being delivered by the Council as a whole.	Will, in setting the annual precept, have regard to local priorities and the services provided within the community by Cardiff Council.

Delegating Responsibility for Service Provision

Services should be delivered in the most appropriate manner, with regard to value for money and added value for local people.

Cardiff Council	Community Councils
Will, on a case-by-case basis and in line with any related policy or guidelines that may be developed by the Council, give due consideration to all reasonably argued formal requests for the delegation of responsibility for local service delivery to community councils, basing its consideration primarily on the improvement of service delivery for citizens whilst ensuring value for money is retained or enhanced.	Will recognise that there are certain instances where it is not appropriate or desirable for Cardiff Council to delegate service delivery.
Will, in the absence of formal delegation, seek ways in which local information from communities might be used to enhance service delivery to better meet the needs of citizens.	Will engage with citizens in the communities they serve to better understand their needs and convey these needs in a coherent and constructive manner to Cardiff Council, such that they can be taken account of in service design and delivery.

Sustainability

We will work in ways that are sustainable, reconciling the long-term needs with those of the present; and protecting and improving the quality of life of current generations without compromising the quality of life of future generations.

Cardiff Council	Community Councils
Will assist community councils by providing information on sustainability and related good practice.	Will proactively assess the sustainability of current practices and processes.
Will outline how Cardiff Council is actively pursuing sustainable development.	Will investigate projects which contribute to sustainability where beneficial to the community.

Community Strategy

We recognise the strategic importance of the Community Strategy which establishes the overarching strategic vision and sets out the priorities for the local area. In Cardiff, these are set out within the 10 year Integrated Partnership Strategy – ‘*What Matters*’ – which incorporates the Community Strategy; the Children & Young People’s Plan; the Health, Social Care & Wellbeing Strategy and the Community Safety Strategic Assessment. Furthermore, we recognise that this will only be fully effective if it is informed by the grass roots experiences from within our communities.

Cardiff Council	Community Councils
Will, in recognition of their local knowledge and experience, invite a representative of community councils to sit on the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy.	Will together nominate a community councillor to be their representative on the Proud Capital Leadership Group, which oversees the strategic development and delivery of the Integrated Partnership Strategy. This individual shall proactively represent the sector, raising matters of general concern appropriate to the agenda.
Will involve community councils in the development of the Integrated Partnership Strategy.	Will contribute to the development of the Integrated Partnership Strategy in its development stage.
Will involve community councils in the implementation of the Integrated Partnership Strategy.	Will respond actively and fully to consultation on the draft Integrated Partnership Strategy and support the monitoring and implementation of the strategy.

Community Council Elections

Fair and open elections are the bedrock of local democracy. We will ensure that community council elections are freely and fairly contested, and encourage local people to become involved in local democracy.

Cardiff Council	Community Councils
Will involve community councils in the planning process for community council elections.	Will encourage participation by members of the local community in the community council election process
Will involve community councils in any awareness raising/publicity to encourage nominations for candidacy at community council elections.	Will ensure wide publicity of vacancies on community councils to maximise community representation.
Will help to publicise forthcoming community council elections on behalf of community councils.	Will publicly display statutory notices for forthcoming community council elections.
Will brief community council clerks on the nomination process so that they are equipped to assist any potential candidates who come forward for community council elections.	
Will provide help and assistance with the legal and administrative processes and procedures for community council elections.	

Action Plan

The Charter will be supported by the development of an annual Action Plan (the first Charter Action Plan will be developed for 2012/13) addressing each of the individual topics contained herein. The Charter Action Plan will be developed on a joint basis and shall attribute responsibilities to each partner. Actions will be accompanied by a timescale and will be reported on a quarterly basis during the year concerned at Community Liaison Meetings.

Cardiff Council	Community Councils
Will nominate a lead officer from Legal & Democratic Services with responsibility for the development and monitoring of the Charter Action Plan.	Will collectively agree priorities for inclusion in the Charter Action Plan.
Responsible officers will have due regard to the Charter Action Plan and include relevant actions in their work plans for the year.	Will have due regard to the Charter Action Plan and all actions relevant to them during the course of the year.

Monitoring and Review

The Charter will be fully reviewed every four years or more often if there is a need to do so. Cardiff Council's Standards & Ethics Committee will also review progress towards achieving the measures and actions set out in the Charter and Charter Action Plan respectively on an annual basis.

Cardiff Council	Community Councils
Will arrange for the Charter to be reviewed every four years.	Will actively contribute to the review of the Charter.
Will arrange for the development of an action plan linked to the Charter (the Charter Action Plan) and will actively contribute to achieving the Charter Action Plan.	Will actively contribute to the development and delivery of the Charter Action Plan.

Conclusion

Cardiff Council and the undersigned community councils and are committed to the principles and statements with the Charter, for the benefit of local people.

Leader of Cardiff Council

Chair, Lisvane Community Council

Chair, Old St Mellons Community Council

Chair, Pentyrch Community Council

Chair, Radyr & Morganstown Community Council

Chair, St Fagans Community Council

Chair, Tongwynlais Community Council

**MEMBERS ROOM
YSTAFELL YR AELODAU**

My Ref: RAR/GN

14 August, 2014

**Mr Richard Tebboth
Acting Chair of Standards & Ethics Committee
Email: r.tebboth@gmail.com**

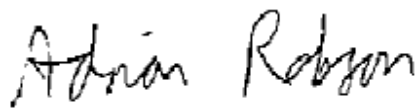
Dear Richard,

RE: PLANNING COMMITTEE 30 JULY 2014

I just wanted to convey comments which were made at the Planning Committee, 30th July 2014 on the Planning Application 13/00578/DCO – Land at Church Road. During representations (both oral and those written in the report) comments were made indicating that Old St Mellons Community Council had had insufficient time to consider the application. Whilst I am content that the Planning Committee was aware of the views of the Community Council in taking its decision on this application, I felt that this is an example of how the 'A Shared Community' Charter between Cardiff Council and the Community Councils in Cardiff is not working effectively – as alluded to by the outgoing Chairman, Paul Stockton at the last Standards and Ethics Committee meeting.

I know that both Councillors Dianne Rees and Georgina Phillips are Members of the Standards and Ethics Committee, so I am sure that they can provide more details if needed, but I promised at the Planning meeting to contact the Chairman of the Standards and Ethics Committee about this, hence this letter.

With Best Wishes,



**ADRIAN ROBSON
COUNCILLOR FOR RHIWBINA**

cc Marie Rosenthal, County Clerk & Monitoring Officer

**Rhiwbina Ward Surgery
Saturday 20th September 2014 between 10am & 11.30am
RHIWBINA BAPTIST CHURCH, LON UCHA, RHIWBINA
Meet the Sector Inspector, Sergeant and Policing Team.
Get advice on Bike Coding and Crime Prevention**

Rhiwbina 'Farmers' Market are held every week on a Friday at Ye Olde Butchers Arms, Heol Y Felin from 10:00am to 1:00pm.

Full Council meetings are live to view on the Cardiff Council Website: www.cardiff.gov.uk/webcasting/. The meetings will also be archived for you to watch at your own convenience.

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