

STANDARDS & ETHICS COMMITTEE: 22nd NOVEMBER 2017

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

Reason for this Report

1. To allow the Committee to consider its functions in respect of Community Councils, and agree any further action to be taken to effectively discharge those functions.

Background

2. The Committee's terms of reference authorise it:

'(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law.'
3. In early 2016, the Committee was advised about a number of complaints made to the Ombudsman in relation to the conduct of Councillors in one particular Community Council. The Ombudsman found no evidence of any breach of the Code in any of these cases. In light of these complaints, however, the Chair of the Committee suggested that the Committee should consider whether anything further should be done to promote and maintain high standards of conduct within the Community Councils in its area.

Issues

4. Town and Community Councils are considered to be the grassroots level of local government in Wales, intended to provide for and respond to local needs; to advocate community interests; and to organise and promote community events. Community Councils are accountable to local people through elections in a similar way to County Councils, but there are many communities in Cardiff which are not represented by a Town or Community Council.
5. In Cardiff, there are 6 Community Councils:
 - Lisvane Community Council
 - Old St Mellons Community Council
 - Pentyrch Community Council

- Radyr and Morganstown Community Council
- St Fagans Community Council
- Tongwynlais Community Council

Each Community Council has between 9 and 13 Community Councillors, with a total of 62 Community Councillors in Cardiff.

Statutory Ethical Framework

6. Community Councils and their Members are governed by the same statutory ethical framework which applies to Principal Authorities and their Members (under Part 3 of the Local Government Act 2000). In particular, Community Councils are required to adopt a Members' Code of Conduct (incorporating certain mandatory provisions); and Community Councillors are obliged to comply with the Code of Conduct adopted by their Council.

Functions of the Standards & Ethics Committee

7. The Standards and Ethics Committee has the same statutory functions in relation to the Community Councils and Community Councillors in Cardiff as it has in relation to Cardiff Council and Cardiff County Councillors. Specifically, it has responsibility for:

General functions:

- promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- assisting members and co-opted members of the authority to observe the authority's code of conduct.

Additionally, it has the following specific functions:

- advising the authority on the adoption or revision of a code of conduct,
- monitoring the operation of the authority's code of conduct, and
- advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct

(pursuant to sections 54 and 56 of the Local Government Act 2000).

8. The Committee also has functions in relation to hearing and determining the outcome of complaints alleging a breach of the Members' Code of Conduct, following a referral to the Committee by the Ombudsman or the Monitoring Officer (in accordance with SI 2001/2281).

Discharge of Standards & Ethics Committee's Functions

9. The Committee discharges its functions in respect of Community Councils in a variety of ways:

Training

10. After the May 2017 local government elections, the Monitoring Officer wrote to all 6 Community Council Clerks to invite Community Councillors and Clerks to an Induction Session Workshop on the Members' Code of

Conduct aimed specifically at Community Councillors. However, it transpired that many Councillors had already undertaken training provided by One Voice Wales, the organisation representing Community Councils in Wales. It is proposed that the Monitoring Officer should discuss with the Clerks any further training needs on the Code of Conduct to follow on from the training undertaken to date, for example, refresher sessions on the Code of Conduct or workshops on any specific issues such as local resolution processes (see paragraph 13 below).

Advice

11. The Monitoring Officer provides advice, upon request, to any Community Council Clerks or Community Councillors in relation to Code of Conduct matters. Additionally, it is recommended that the Monitoring Officer should offer to meet annually with the Clerks to discuss any issues of common concern. The Monitoring Officer has recently written again to all Clerks to invite them to meet with her and arrangements are in hand to agree a suitable meeting date and venue.

Member Briefing

12. Members will recall that the Committee has resolved to issue a biannual Member Briefing to all Members, to raise awareness and understanding of Member conduct issues and the work of the Standards & Ethics Committee. The last Member Briefing was issued in September 2017 and was circulated to all Community Council Clerks for onward transmission to their Councillors. It is recommended that all future Member Briefings should be circulated to Cardiff Community Councillors (via their Clerks), and the content of the Briefings should include reference to Community Councillors and any issues which may be of particular interest to them.

Local Resolution Processes

13. The Committee recently (at its March 2017 meeting) reviewed Cardiff's Local Resolution Protocol, which is used to seek resolution of low-level Member on Member conduct complaints. It was agreed that local resolution may be equally suitable for resolving low-level Community Councillor Member on Member conduct complaints, and that Cardiff's Protocol should be offered to the Community Councils for them to consider its adoption. However, the Monitoring Officer was subsequently notified of a Local Resolution Protocol developed by One Voice Wales, in consultation with the Ombudsman, specifically aimed at Community Councils. The Monitoring Officer has written to all Clerks advising them to recommend to their Community Councils the adoption of the One Voice Wales model Local Resolution Protocol. It is suggested that the Monitoring Officer should follow this up to check whether Community Councils have adopted a Local Resolution Protocol, and to offer any necessary advice, training and support to the Clerks and Community Councillors in relation to implementing such protocol.

Meeting with the Standards & Ethics Committee

14. The Committee may wish to consider inviting representatives from each Community Council to attend a Standards and Ethics Committee meeting, on a regular basis e.g. annually, to discuss any relevant general conduct issues. This would need to be incorporated into the Committee's Forward Work Plan.

Observation of Community Council meetings

15. The Committee may also wish to consider whether it would be informative for members of the Standards & Ethics Committee to attend a Community Council meeting in order to observe proceedings and any Member conduct issues, familiarise themselves with the work of a Community Council, and raise awareness of the Standards and Ethics Committee and its remit. The schedule of Council meetings for observation could be extended to include meetings of Community Councils, in order to facilitate this.

Standards and Ethics Committee's Annual Report

16. It is also recommended that the Committee's Annual Report should be circulated to the Community Councils for their information and to allow the opportunity for comments.

Other

17. The Committee is invited to consider and give views on any other action which should be taken in order to promote and maintain high standards of conduct within Cardiff's Community Councils, or to facilitate the effective discharge of the Committee's functions in relation to Community Councils.

Legal Implications

18. The legal implications are contained within the body of the report.

Financial Implications

19. There are no financial implications arising from this report.

RECOMMENDATIONS

The Committee is recommended to agree the proposals, as set out in this report (subject to any additional proposals or changes), for action to be taken to promote and maintain high standards of conduct within Cardiff's Community Councils; and instruct the Monitoring Officer to put in hand the necessary arrangements.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

15 November 2017