

COMMUNITY COUNCILS CHARTER

LEADER (COUNCILLOR HUW THOMAS)

AGENDA ITEM: 1

Reason for this Report

1. To seek approval of an updated Community Councils Charter.

Background

2. In March 2012, the Executive and each of the 6 Community Councils in Cardiff agreed a Community Councils Charter, based on a Model Charter appended to Welsh Government guidance ('A Shared Community – Relationship building and charters for unitary authorities and community and town councils', 2008).
3. The Charter sets out a number of broad principles and statements about how Cardiff Council and the 6 Community Councils will seek to work together for the benefit of local communities; and aims to support structured, regular engagement and communication, based on the key principle of equality of partnership between the two tiers of local government.
4. The adoption of collaboration arrangements or charters between county and community councils is voluntary. However, the Local Government (Wales) Measure 2011 (sections 130 to 133) contains powers for the Welsh Ministers to require reluctant councils to come together, address the issues and agree a charter for the benefit of their areas. These powers allow the Welsh Ministers to issue a statutory Model Charter and directions requiring its adoption, but have not been exercised to date.
5. The Charter adopted by Cardiff in 2012 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'. The Charter deals with working arrangements across the range of Council functions, including many which fall outside of the Standards and Ethics Committee's terms of reference. Nevertheless, the Standards and Ethics Committee has considered the Charter and concerns about its implementation; and recommended it be updated.

6. In June 2015, the Cabinet considered a report on the review of the Charter. It was noted that most of the Charter remained relevant and constituted an important recognition of the role of Community Councils in representing their local areas. However, the Cabinet noted that various sections of the Charter needed to be updated in light of the reduced resources available to the Council and to reflect current arrangements. The Cabinet reaffirmed the Council's commitment to the aims of the Charter; and granted delegated authority to the Director of Governance and Legal Services to update the Charter, in consultation with the relevant Cabinet Member and the six Community Councils.
7. The Council has engaged in correspondence and discussions with the Community Councils since 2015 seeking to agree an updated Charter. A number of changes were agreed, but concerns emerged in relation to certain issues within the planning section of the Charter, which have taken a considerable amount of time and discussion to resolve.
8. In July 2017, an Independent Review Panel was established by the then Cabinet Secretary for Finance and Local Government, Mark Drakeford AM to review the future role of Community and Town Councils in Wales. The Panel invited written and oral evidence from key stakeholders in the sector, including Cardiff Council, through a series of stakeholder events, surveys and consultations. The Panel submitted their emerging findings and recommendations to the Cabinet Secretary for Local Government and Public Services, Alun Davies AM, on 17 July 2018. The Panel's final report was subsequently published on 3rd October 2018 and the Cabinet Secretary is expected to provide a formal response in due course. Any new legislative proposals arising from this review are expected to be considered as part of the forthcoming Local Government Bill in early 2019.

Issues

9. The 2012 Charter and proposed amendments have been discussed and agreed with the Community Councils. The proposed amendments to the 2012 Charter are shown on the marked up version attached as **Appendix A**. The substantive changes proposed include the following:
 - a) **Local Governance** – to replace references to 'Community Liaison Meetings' and a nominated 'Community Liaison Officer' with arrangements for a quarterly meeting between the Monitoring Officer and Community Council Clerks (and access for Clerks to Cardiff's Member Enquiry Service – please see 'Information and Communication' section below). A schedule of quarterly meetings with the Monitoring Officer has been set up and the first such meeting was agreed by all concerned to have been very constructive.
 - b) **Information and Communication** - to offer Community Council Clerks access to Cardiff's Member Enquiry Service, rather than a list of contact persons within Cardiff Council. Improving communication and access to information within Cardiff Council was identified as a key concern shared by the Community

Councils. Access to the Member Enquiry Service has been offered to Clerks on a 3 month trial basis starting from 1st August 2018. A total of 3 enquiries were received from Clerks and processed by the Member Enquiry Service during this period; and feedback from the Clerks confirms their satisfaction with the service provided. Following the end of the trial period on 31st October 2018, the Member Enquiry Service is to be made available to the six Community Council Clerks on a permanent basis. The use of this service will be monitored and reviewed as and when necessary.

- c) **Land Use Planning** – to refer to arrangements for preparation of the Local Development Plan and Place Plans; and to include reference to engagement for identification of priorities for planning obligations (section 106) in relation to developments within local communities. The opportunity to contribute to prioritisation of planning obligations within their communities was a concern raised by Community Councils. A series of discussions have been held between Community Council representatives and the Council's Head of Planning and his officers, and also the Leader of the Council, in order to clarify and agree arrangements in this regard. The Community Councils understand they may express a view, but the decision is for Cardiff Council
 - d) **Ethics** – to refer to local resolution processes, which Community Councils are encouraged to adopt in order to facilitate informal, timely and cost-effective resolution of low level Member conduct issues.
 - e) **Sustainability & Community Strategy** – to delete obsolete references to the community strategy and reflect the strategic planning arrangements established in line with the requirements of the Well-Being of Future Generations (Wales) Act 2015.
 - f) **Action Plan & Monitoring and Review** – to delete references to an annual Action Plan and review, in light of the reducing resources available; and substitute this with a commitment to review the Charter as and when necessary.
10. The draft updated Charter is attached as **Appendix B**.
11. In order to support the implementation of the Charter commitments, the Council's Communications team has been asked to provide assistance to raise awareness and understanding of the Charter and the role of the Community Councils. A signing ceremony has been provisionally arranged for the Leader of the Council and the Chairs of the six Community Councils to formally sign the updated Charter and affirm the commitment of their respective councils to it. Briefings will also be issued to all Council staff and Members to highlight the role of Community Councils and their Members.

Reason for Recommendations

12. To refresh and update the commitments set out in the Community Councils Charter to facilitate good working relationships between Cardiff Council and the six Community Councils in Cardiff.

Legal Implications

13. As stated in the body of the report (please see paragraph 4), the adoption of charters between county and community councils is voluntary, but is encouraged as a matter of good practice.
14. There are no direct legal implications arising from the recommendations of this report.

Financial Implications

15. There are no financial implications directly arising from this report. In the implementation of any proposed changes to the Community Councils Charter the financial costs will need to be identified and found within existing financial resources. The proposed Community Councils Charter outlines how costs will be recovered.

RECOMMENDATION

Cabinet is recommended to:

1. Approve the updated draft Charter appended as **Appendix B**, subject to any agreed amendments;
2. Authorise the Leader to sign the updated Charter on behalf of Cardiff Council; and
3. Delegate authority to the Monitoring Officer, in consultation with the relevant Cabinet Member and the six Community Councils, to make any further minor amendments to the Charter as may be required from time to time.

SENIOR RESPONSIBLE OFFICER	DAVINA FIORE Director of Legal & Governance
	7 December 2018

The following appendices are attached:

- Appendix A Community Councils Charter, 2012, with tracking to show proposed amendments
- Appendix B Draft updated Community Councils Charter

The following background papers have been taken into account:

- Executive report 'Community Councils Charter', March 2012; and minutes thereof
- Cabinet report 'Community Councils Charter', June 2015; and minutes thereof

Independent Review Panel on Community and Town Councils in Wales, Final Report, 3rd October 2018

<https://gov.wales/docs/dsjlg/publications/localgov/181003-independent-panel-report%20-en.pdf>