

From: Ariyadasa, Kumi

Sent: 21 March 2016 13:40

To: clerk.lisvanecc; clerkosmcc; clerkpentyrch; 'stfaganscc; clerk tongwynlais; Radyr and Morganstown Community Council

Cc: Marr, David ; Hughes, John

Subject: Community Councils Charter

Dear Clerks

Thank you all for the feedback provided from your respective Community Councils, and our apologies for not being able to respond to you sooner. We have carefully considered all the comments made, followed up with relevant council departments and now enclose a revised Charter, which we hope represents a clear and realistic commitment to support effective partnership working between our Councils – please see attached.

You will note that the revised Charter incorporates the following further amendments:

Planning

- In recognition of concerns about proposals of a significant scale, we have added a commitment that consultations will pay particular attention to the long term issues for communities affected by LDP strategic and flexibility sites.
- As the Welsh Government have now identified scope for the preparation of Place Plans, we have added a commitment to consider the adoption of community council Place Plans consistent with the LDP.
- With regard to the involvement of community councils in negotiations concerning Section 106 and Community Infrastructure Levy (CIL) funds, however, our Head of Planning has advised that amendment of the Charter is not appropriate. His view is that measures are already in place to satisfactorily address this matter. Community Councils have the opportunity to identify considered local priorities for S106/CIL (when in place) through their role in providing responses on planning applications as already referenced in the Charter. More strategically, considered priorities for S106/CIL local spend can be addressed as part of the new Place Plan process. Through these channels, Community Councils can effectively feed views into the decision-making process with regard to S106/CIL local spend. He has stressed that S106 agreements are signed between the Council and landowners, so the primary negotiation must be between these two parties, taking account of a wide range of factors, including all potential priorities for eligible spend and viability factors. However, Community Councils can feed through their considered priorities for local spend as part of the Development Management process, and this feedback will help inform the Council's position in terms of potential scope for local spend.

Sustainability

- The commitment of the community councils in respect of the Well-Being of Future Generations Act 2015 has been amended, as suggested, to reflect the less onerous obligation imposed on councils with a budget below £200,000 pa.

In relation to comments and suggested amendments to other parts of the Charter, our response is as follows:

Local governance – We have retained provision for an annual liaison meeting with the Monitoring Officer, but note that additional meetings may, of course, be requested if the need arises. The Council does not, unfortunately, have sufficient resources to be able to commit to a regular pattern of more frequent meetings.

Consultation – The current commitment that the Council will aim to give community councils the opportunity to comment on decisions affecting their community, has been retained. This wording reflects the fact that there may be circumstances where consultation is not possible or appropriate, for example, if the Council needs to act quickly. We believe the most effective way to address the concerns raised in this regard is to improve the level of understanding and awareness within this Council of the role of Community Councils, which we propose to do by launching a Communications Plan, once the revised Charter has been signed off. Reference to consultation on local government reorganisation has not been added, as proposals and consultation on this matter are the responsibility of the Welsh Government rather than Cardiff Council.

Information and Communication – We understand that the provision of information and communication in relation to issues affecting your areas is a fundamental concern, and hope that the Communications Plan (referred to above) will significantly improve communications. You will note that we also propose to make available the Council's Member Enquiry Telephone Line, and we have discussed this further with the responsible officers to see how best we can adapt this system to suit your needs. We attach a note explaining the service we can offer, on a 6 month trial basis, as agreed (to be extended thereafter if there are no significant operational concerns).

Expertise – We believe the current commitments remain relevant and appropriate. With regard to proposals set out in the Local Government (Wales) Bill, we would point out that all such proposals are still under consideration and there is no certainty at this stage that they will come into effect. Any future changes in law will be considered as and when they take effect.

We would be grateful if you could kindly arrange for the revised Charter to be considered by your respective Councils and, provided you are content, to arrange for signature by the Chair on behalf of your Council, and return the signed copy to us. We will then arrange for execution by our Cabinet Member, send you a copy of the signed Charter and commence implementation of our Communications Plan and the Member Enquiry Line. We hope we are now able to proceed to conclude this matter fairly quickly, and would like to thank you for your co-operation and patience. Should you wish to discuss this matter further, please do not hesitate to contact me.

Kind regards,

Kumi Ariyadasa
Solicitor - Cyfreithiwr
For Director Governance and Legal Services
Am Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
The City of Cardiff Council – Cyngor Dinas Caerdydd