

STANDARDS & ETHICS COMMITTEE: 28 MARCH 2018

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

FUNCTIONS IN RESPECT OF COMMUNITY COUNCILS

Reason for this Report

1. To provide the Committee with information on work undertaken on its behalf in respect of Community Councils, and invite any comments or further suggestions in this regard.

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. There are 6 Community Councils in Cardiff:
 - Lisvane Community Council
 - Old St Mellons Community Council
 - Pentrych Community Council
 - Radyr and Morganstown Community Council
 - St Fagans Community Council
 - Tongwynlais Community Council
4. Each Community Council has between 9 and 13 Community Councillors, with a total of 62 Community Councillors in Cardiff. However, there are many communities in Cardiff which are not represented by a Town or Community Council.
5. 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.

6. 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 (detailed in the Legal Implications section of this report).
7. At its last meeting (in November 2017), the Committee agreed a number of recommended actions in respect of Cardiff's Community Councils; and instructed the Monitoring Officer to put in hand the necessary arrangements.

Issues

8. In accordance with the actions approved by the Committee at its last meeting, a email was sent to the Clerks of all six Cardiff Community Councils on 29 November 2017, explaining the Committee's role in respect of the Community Councils; and enclosing a copy of the Committee's report on 'Functions in respect of Community Councils' (22nd November 2017) and the Committee's Annual Report 2016/17. The Clerks were invited to meet with the Monitoring Officer to discuss the role of the Committee and the guidance and assistance available to the Community Councils.

Meeting with Clerks

9. Despite repeated attempts to arrange a meeting between the Monitoring Officer and the 6 Community Council Clerks, this meeting has not yet taken place. Although most Clerks have indicated their willingness to meet with the Monitoring Officer, it has not been possible to agree a mutually convenient date and time. A meeting was scheduled for 1st February 2018, but was unfortunately cancelled as it subsequently transpired that only 1 Clerk (who was due to retire shortly) was planning to attend. The Monitoring Officer is continuing to try to arrange a meeting.

Training

10. The Monitoring Officer has offered training on the Code of Conduct to all Community Councils. The Clerk to Tonygwynlais Community Council accepted the offer; a training session was scheduled for 19th March 2018; and the invitation to attend this session was extended to other local community councils. The session was subsequently attended by six community councillors from Tongwynlais and Radyr and Morganstown Community Councils. Feedback from the Clerk confirmed that councillors found the training 'very well delivered, clear and informative.'
11. Members will recall that a number of Community Councils have undertaken Code of Conduct training provided by One Voice Wales, the organisation representing Community Councils in Wales.

Member Briefing

12. Members will note from the separate report on this matter that it is proposed to issue the next edition of the Member Briefing to all Community Councillors as well as Cardiff Councillors; and that the proposed content of the Briefing includes reference to the Committee's work with Community Councils. (The last edition of the Member Briefing, issued in September 2017, was also issued to Community Councillors.)

Observation of Community Council meetings

13. Members are encouraged 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. Scheduled dates of forthcoming Community Council meetings are set out in **Appendix A**, but Members are advised to contact the Clerk to check there have been no changes to the schedule. The Meeting Observation Feedback Proforma attached at **Appendix B** may be used to record Members' observations to report back to the Committee.

Community Councils Charter

14. Members may wish to note that a positive meeting was held on 12th March between the Leader and Community Council representatives to discuss the Community Councils Charter. However, under the Council's constitution, the Charter is a Cabinet responsibility, so reports on the Charter will be made to Cabinet and not to this Committee in future.

Other

15. The Committee may also wish to note that the Welsh Government has commissioned an independent review of community councils which is currently in progress. It is expected that recommendations will be made about the future role of community councils.

Legal Implications

16. 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).

17. The Committee is also responsible for hearing and determining the outcome of complaints against Community Councillors 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).

Financial Implications

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

RECOMMENDATIONS

The Committee is recommended to note the information set out in this report in respect of actions taken in respect of Cardiff Community Councils; and provide any comments or further suggestions considered appropriate.

Davina Fiore

Director of Governance and Legal Services and Monitoring Officer

21st March 2018

APPENDICES

Appendix A	Schedule of forthcoming Community Council meetings
Appendix B	Meeting Observation Feedback Proforma

Background papers

Standards and Ethics Committee report 'Functions in respect of Community Councils', 22nd November 2017