



CITY & COUNTY OF CARDIFF DINAS A SIR CAERDYDD

STANDARDS AND ETHICS COMMITTEE: 15 December 2015

REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

COMMUNITY COUNCIL CHARTER

Reason for this Report

1. To report back on the review of the Community Council Charter (“the Charter”).

Background

2. The Executive adopted a Community Councils Charter (“the Charter”) in March 2012, following consultation with relevant stakeholders, including the six Community Councils within the Council’s area and the Standards and Ethics Committee. The Charter reflects the model Charter issued by the Welsh Government under section 130-133 of the Local Government (Wales) Measure 2011.
3. 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.
4. 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).
5. In response to concerns about the implementation of the Charter, the Standards and Ethics Committee reviewed the Charter, and recommended to Cabinet that the Charter should be updated.
6. In June 2015 the Cabinet reaffirmed its commitment to the aims of the Charter; and delegated authority to the Monitoring Officer (in consultation with the relevant Cabinet Member, the Standards and Ethics Committee and the

six Community Councils), to update the Charter; and authorised the relevant Cabinet Member to sign off the updated Charter on behalf of the City of Cardiff Council.

Issues

7. Discussions have been held with the Clerks of the six Community Councils, and it has been agreed that most of the Charter is still relevant and an important recognition of the role of Community Councils in representing their local areas. However, a few sections of the Charter are not being implemented and need to be updated in the light of the reduced resources now available to the Council.
8. The Charter has been amended to reflect the issues raised and a revised draft, attached at **Appendix A**, has been sent out to all Community Councils for consultation. Key changes made have been highlighted.
9. Feedback from the Community Councils on the revised draft has been generally positive. However, further consideration has been requested on the following points:
 - Local Governance - it is suggested that an annual liaison meeting is insufficient, and that liaison meetings should be held more frequently, such as bi-annually or quarterly; and that an officer reporting to the Monitoring Officer may be a more appropriate representative of Cardiff Council, in order to ensure that day to day issues are dealt with promptly and that there is an avenue of appeal. Members may recall that the Charter originally provided for a quarterly liaison meeting, but this was unsustainable for Cardiff Council due to reduced resources.
 - Consultation - several Community Councils asked for a firmer commitment to consult them before making a decision affecting the local community, rather than 'will aim to', as currently drafted. It should be noted, however, that there may be circumstances where the Council needs to act quickly, so prior consultation may not always be possible; and that consultation may not be appropriate on every decision which could be regarded as affecting a local community. There was also a request to include reference to consultation regarding local government reorganisation in Cardiff, but Members will note that reorganisation proposals (and consultation thereon) are issued by the Welsh Government rather than Cardiff Council.
 - Information and Communication - several Community Councils asked for a firmer commitment on the provision of information to Community Councils on issues affecting their areas, eg. proposed highways changes, arrangements for street closures etc. Relevant officers are being asked for their comments on this issue. Members may also wish to note that, once the revised Charter has been signed off, the Council's Communications team will be asked to assist with a communications plan to ensure that all Council staff are made aware of the Charter and its provisions, which should improve communications with Community Councils. A request was also made for Community Councils to have access to a Member Enquiry email address (in

addition to the Member Enquiry Telephone Line). This request has been referred to relevant Council staff for consideration.

- Land Use Planning - several Community Councils have requested specific reference to 'Section 106' planning obligations agreements (or Community Infrastructure Levy funds), seeking a commitment from the Council to consult and involve the Community Councils in negotiations for Section 106 agreements and decisions regarding the application of funds arising from developments within the Community Council's area. Other planning issues raised include reference to Cardiff Council 'paying particular attention to the long-term issues for communities affected directly or indirectly by LDP Strategic and flexibility sites'; and to 'consider adoption of appropriately prepared community council Village and Place Plans as Supplementary Planning Guidance'. Planning officers are being asked for their comments on these issues.
- Expertise - one Community Council has queried whether the Charter provisions (reference to Member induction training for Community Councillors to understand the role and function of the unitary authority) meet the proposals set out in the Local Government (Wales) Bill. The proposals in the Bill are currently under consideration, but Members will note that there is no certainty at this stage that such proposals will come into effect.
- Sustainability - amendment has been requested of the reference to the Well-being of Future Generations Act 2015, to reflect the less onerous obligation imposed on Community Councils with a budget below £200,000. This amendment can be agreed.

10. Members are invited to note the feedback from the Community Councils and comment as appropriate.

Legal Implications

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

Financial Implications

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

RECOMMENDATION

The Committee is recommended to:

1. Note the revised draft Charter (**Appendix A**) and the feedback from the Community Councils, as set out in the report, and make any comments it considers appropriate;
2. Note the Monitoring Officer's delegated authority to finalise the revised Charter, as agreed by Cabinet in June 2015; and

3. Instruct the Monitoring Officer to implement an effective communications plan, once the revised Charter is signed off, to ensure that all Council staff and Members are aware of the Charter and its provisions.

Marie Rosenthal
Director Governance and Legal Services, and Monitoring Officer
8 December 2015

Appendices

Appendix A Revised draft 'A Shared Community – Charter between Cardiff Council and Community Councils in Cardiff'

Background Papers

Cabinet report 'Community Council Charter', 11th June 2015; and minutes thereof;

Standards & Ethics Committee report 'Community Council Charter', 27th January 2015; and minutes thereof;

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