

# Draft Minutes

## **Liaison Meeting with Community Councillors**

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Date: 23 June 2022

Time: 6:00pm

Venue: Microsoft Teams Meeting

Present: Gareth Price (Head of Law and Standards (Chair), Pamela Tasker (Governance Support Officer), Leanne Rowlands (Democratic and Electoral Services Manager), Chris Roberts (Marshfield), Julie Foster (Wentlooge), Brian Miles (Wentlooge), Cath Davies (Marshfield), Nathan Tarr (Graig), Mandy George (Llanwern), Anita Hobbs (Rogerstone), Councillor Yvonne Forsey (Rogerstone West), Councillor Beverly Davies (Rogerstone East),

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### **1. Apologies**

Nigel Hallett Michaelston-y-Fedw Community Council

Patricia Appleton Graig Community Council

### **2. Minutes of the Last Meeting: 24 March 2022**

#### **Agreed:**

The Minutes of the last meeting 24 March 2022 were moved as a true record.

### **3. Matters Arising**

The Chair confirmed that Neil Gunther Senior Planning Enforcement Officer would be delivering a presentation on Planning Enforcement to Community Councils at the next meeting in September.

### **4. Statutory Requirements, Member Induction and Code of Conduct**

The Chair confirmed that the slides from the presentation had been circulated to all the community clerks.

The Chair stated that it was previously mentioned that the Community Councillors could receive Code of Conduct training but as there were 21 new city Councillors who were having their training now, Code of Conduct training could be completed this evening and more in-depth training could be requested.

The Wentlooge Representative confirmed that One Voice Wales provided Code of Conduct training as part of supported training courses made available to those Community Councils who subscribed to One Voice Wales.

## Main Points:

- The Term of office for new councils starts from 9<sup>th</sup> May 2022 for a term of 5 years.
- All Community councillors were required to sign a Declaration of Acceptance of office and undertaking to comply with the Code of Conduct, and they must do this within two months of being elected or risk being disqualified.
- It was up to individual Community Councils with casual vacancies to fill those posts and it had to be a fair and transparent appointment process- a Quorum was required.
- An AGM should also be held to appoint a Chair and Vice Chair.
- There were a number of changes introduced by the Local Government and Elections Wales Act that specifically relates to Community Councils and they come into force at various dates as shown on slide 3.
  - Duty to publish annual reports – 1st April 2022
  - General power of competence - 5th May 2022
  - Multi-location meetings – 5th May 2022
  - Electronic publication of notices of meetings and decisions – 5th May 2022
  - Duty to make reasonable opportunities for public participation in council meetings – 5th May 2022
  - Duty to make and publish a training plan for all members and staff – 1st April 2022
- If a Community Council wanted to exercise its General Power of Competence, then it had to be eligible where:
  - at least 2/3rds of members must be elected (including unopposed)
  - Clerk must hold relevant qualification (e.g., CiLCA) - 2 years unqualified accounts from Auditor General.
  - In some cases, it could expose councils to quite a commercial risk if community councils decided to use the power commercially.
  - The Council passes resolution that conditions were satisfied, and it can exercise GPOC.
  - Publish resolution within 7 days and renew decision annually or it lapses.
- It was now mandatory for all Community Councils in Wales to publish an Annual report and the first report for the proceeding financial year must be published as soon as possible after April 2022. There was no particular format for the Annual Report, but Welsh Government expect it to have basic governance and financial information.
- It was an obligation for Community councils to publish training plans and the first such training plan has to be published by the 5th of November of 2022. It would need to set out the training and development needs of clerks and community councillors and would need to be reviewed once every election.
- Community Councils must have a facility for members of the public and councillors to join remotely if they asked.
- Unlike City Council, Community Councils do not have to broadcast their meetings live. However, meetings should be recorded and uploaded onto the website for future viewing.

- Notices of meetings published electronically on website 3 working days before meetings (or 24 hours in case of urgent meetings).
- Publish electronically on website a decision schedule within 7 working days of any meeting, setting out the attendance, voting and a record of decisions taken at the meeting (except confidential items).

The Graig Representative asked as to whether Community Councils have to give the actual result of the vote.

The Chair confirmed that it was more important for the actual decision from the voting to be recorded and how the vote was decided.

The Graig Representative asked whether the decision had to be published even if it was voted down and the Chair confirmed that whatever decision was made would have to be published.

The Marshfield Representative asked whether there were any training plan samples the Community Councils could have.

The Chair confirmed that there were training plans for City Councillors, but these may be too detailed for Community Councils. It was maybe better for Community Councils to do a skills audit and organise a questionnaire with councillors to ascertain what skills they have and what training they needed. It could also be discussed with HR as to what training plans could be shared with Community Councils. The Wentlooge Community Representative offered to provide a training needs analysis to Marshfield Community Council.

- Pre 2000 there was no Code Of Conduct and all Councillors, City Councillors, and Community Councillors just had to avoid committing criminal offences, cash for questions” and other scandals were not unlawful behaviour, but unethical.
- The Nolan Committee was then set up to try to restore public confidence by introducing the Nolan principles on which he felt that ethical standards should be based such as Selflessness, Integrity and Honesty.
- In 2000 the Local Government Act put the Nolan principles into a statutory framework where a mandatory Code of Conduct was introduced, the setting up of Standards Committees. The ethical framework was different in England and Wales.
- In Wales we had the Ombudsman and the Education Panel for Wales who are the enforcement officers in terms of the ethical standards framework.
- The Localism Act 2011 abolished the statutory Code in England and restored voluntary Codes and criminal sanctions for non-disclosure of pecuniary interests
- Welsh Government commissioned a survey by Richard Penn into whether the framework was still fit for purpose, and it was concluded that framework in Wales worked very well, with one or two recommended improvements to be considered.
- The Members Code Of Conduct was a Mandatory Code – prescribed by Regulations and adopted by all Unitary Authorities and Community Councils
- All elected Councillors and voting Co-opted must sign an undertaking to abide by the Code and have a legal duty to comply with serious sanctions when breached.

- In Community Meetings the code applied at all times, and it also applied in a private capacity and could still be in breach, so it was important to set a good example. If you're an elected or representative Councillor, higher standards of behaviour were expected of you than other private individuals.
- The first part of the code sets out some general principles of ethical conduct, the duty to promote equality, treating others with respect and consideration, not bullying, and harassing other councillors or officers of the Council, and not compromising the impartiality of officers.
- In terms of numbers of complaints, the Ombudsman gets every year, not treating other people with respect and consideration and bullying and harassment were probably the two highest in terms of numbers. Not all of them were investigated or upheld.
- In terms of general principles of ethical conduct, you must not misuse the Council's resources, you have to take decisions objectively and in the public interest. Do not accept any gifts or hospitality which might place you, or appear to place you, under any improper obligation. If any gifts were received, they needed to be recorded. If gift was worth over £25 then it needed to be registered. Any gifts turned down also needed to be registered in order to be transparent.
- The Clerk should be maintaining the local registers of Members interests. Community councillors were still not required under the code to declare employment interests or property interests upfront as this was not mandatory.
- Personal Interests that must be disclosed and recorded:
  - employment interests
  - shares in local Companies in excess of £25,000 or more than 1% of share capital
  - contracts with the Council
  - any land interests in the Council area
  - any outside body where you have been nominated as a Council representative
  - any other public bodies, clubs, societies or associations in which you are a member or hold a management position (e.g., school governing bodies, health trusts, freemasons).
- A decision which might reasonably be regarded as affecting...
  - Your well-being or financial position or a member of your family or close personal associate
  - Your employer
  - Outside bodies where you hold a position of general control or management ...to a greater extent than the majority of other people in the community council area.
- A personal interest which a member of the public would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- You must declare the Personal interest verbally at meetings – recorded in the Minutes and you must declare it when making written or verbal representations outside of a meeting. One most significant for community councils, is this ability to

grant loans and financial assistance to groups and voluntary organizations within your community up to this diminished level of £500.

- If a Prejudicial interest occurred, then the Councillor needs to declare the interest and leave the meeting during the discussion - do not just move to the public seating areas (Richardson case). If the meeting was remote, then you would need to still leave the meeting.
- You must not seek to influence the decision in any way – written representations etc.
- If a Councillor is a member of a Community Council and also a City Councillor, then conflicts of interest could arise. If the Community Council submits a Planning application itself, then the councillor has a personal and prejudicial interest and cannot participate in the decision-making process. If the community council objects to a planning application, then no personal interest arises. But there could be an issue of bias/pre-determination if the Councillor has participated in the community council decision to object
- It would be advisable for the Councillor to take no part in the community council objection to maintain objectivity.
- The Code was enforced by a **Standards Committee**:
  - 5 independent members and independent Chair
    - 3 councillor members
    - 1 community council representative
  - Independent members have term of office of 4 years but can serve two consecutive terms.
  - Promote and maintain ethical standards, including Member training
  - Monitor operation and compliance with the Code
  - Grant dispensations
  - Conduct misconduct hearings following Ombudsman reports
  - Powers of censure and suspension of up to 6 months
- If a complaint was received by the Ombudsman a two-stage test was applied; was there evidence of a breach of the Code and was it serious enough and in the public interest to take action.
- If it was a breach then the Ombudsman referred it back either to the Standards Committee or the Adjudication Panel for Wales and in terms of local resolution protocols, a few years ago the Ombudsman and Welsh Government were keen that every Councils and Community councils as well adopted a local resolution protocol to try and deal with low level complaints, particularly complaints by one councillor against another.

### Questions:

The Wentlooge Representative commented on the new tool kit for Community Councils that was being issued by Welsh Government for Community and town councils. This was past its pilot stage, so it's been issued to all clerks which should help formalise a lot of the procedure on a local level.

Councillor Forsey mentioned One Voice Wales and asked was their membership a £1000 in cost.

The Wentlooge Representative confirmed that the cost of membership depended on the amount of residents in that Community Council and that there were very few Community Councils in Wales that were not members. They do help with legal advice and a lot of the larger councils were getting on board.

The Wentlooge Representative advised that Rogerstone Council needed to weigh up the £1000 cost as legal advice could cost more.

The Chair advised that they could not promote One Voice Wales, but it did seem to be beneficial, and that One Voice Wales did not provide legal advice but provided advice on procedure and process which could really help Council Clerks, but it was up to each Community Council to join or not.

The Marshfield Representative commented that from a training point of view the One Voice Wales courses were very well put together they provided information notes at the end and a certificate for attending and it's a means of collectively sharing experiences with Community councils all over Wales. Marshfield have about 3000 of a population and the Community Council paid about £400/£500 for membership and it was worth it.

## **5. Shared Community Charter For Newport**

The Wentlooge Representative stated that at a meeting before lockdown communication and routes into Newport Council for Community councillors was discussed and it was mentioned at that meeting that we would look to do some work on the Charter in regard to formalising a communication process.

The Chair stated that if the Charter was in need of a revision, then we could update it but this Charter was about the relationship between the City Council and the Community Councils, not individual councillors.

The Chair stated that if individual Community Councillors wanted to raise complaints, rather than local issues, there was a process for this. This Charter was more about engagement at a Council level, in terms of how we consult with Community Councils on planning applications etc.

The Wentlooge Representative explained that at their recent community meetings information was not coming back to the Community Council for issues reported to City Services and accounts were not being updated with information. Members of the public were then looking for answers from the Community Council who could not provide these answers.

The Chair stated that this needed to be related to the Charter commitment and this was a high-level Charter and demonstrates how we will work together as a City Council and Community Councillors in terms of this shared responsibility.

However, the Chair confirmed that the Charter could be looked at if it was felt it a review was needed.

The Wentlooge Representative stated that for City Councillors it was different, and they were able to have a route into the Council as they were well known but this was not so easy for Community Councillors.

The Chair confirmed that there was no route in for City Councillors and they still had to email the Members email address and that City Councillors did not get preferential treatment and that if a Councillor was using their position as a Councillor to get some sort of preferential treatment for something, that was a breach of the Code of Conduct.

The Wentlooge representative stated that Community Councillors were not looking for preferential treatment, but they have not been getting any answers and have been left hanging.

The Chair advised that no one should be left looking for an answer and if there was a problem with the website then the Customer Services Manager needed to be made aware.

The Marshfield Representative stated that issues were being reported but there was no feedback and the Customer Services Manager had attended a Liaison Meeting previously but that nothing had changed.

The Chair confirmed that the Customer Services Manager had gone back to City Services as most of the non-responses had related to that area and it was taken up with the Head of Service. However, if there was no improvement then we may need to bring the Customer Services Manager back to have a discussion with the Community Councils. Customer Services now sat in the Finance and Council Tax area and the problem was still the back office.

The Graig representative noted that when Community Councillors get complaints, they needed to be raised and if there were multiple people reporting the same complaint then communication was an issue in the Council, and it needed to be different.

The Wentlooge Representative stated that issues were not being followed up then maybe all the Community Councils could do is make a formal complaint.

The Chair agreed that if issues were not followed up then complaints were reported to Governance and Audit Committee and Cabinet Committee and people needed to complain if they were not happy as that's what the Corporate Complaints procedure was for.

The Wentlooge Representative stated that they didn't know if it was City Services or another area that was at fault.

The Chair confirmed that the Customer Services Manager found with her investigation that the front end was working in terms of the contact with Customer Services, the website was working, and the backlog seemed to be the back end where the service requests were not ending up in the right service areas or part of city services. But perhaps the work wasn't

being followed up and had been done or if it wasn't being done, this was not being communicated back

The Marshfield Representative stated that she had been in a situation where she had made a complaint but was told to go to the Ombudsman and not to make a complaint. It was a complaint regarding not having received feedback on an issue raised.

The Chair requested that the Marshfield Representative send the details of this in an email for them to have a look at as it sounded like a process failure.

The Chair confirmed that we could have another look at the Charter and the Community Councils should have another look at the Charter document and that it could be discussed at the next meeting.

#### **6. Any Other Business**

None

#### **7. Date of the Next Meeting**

22 September 2022 at 6pm- Teams Meeting