

# Report



## Standards Committee

---

### Part 1

Date: 18th April 2024

**Subject** **Review of Community Councils' Compliance with Legislative Requirements for Register of Interests and Code of Conduct**

**Purpose** The purpose of this report is to provide an overview of the information that is publicly available on Community Council websites regarding their Register of Interests and Code of Conduct. These are two key aspects of the ethical framework for Community Councils, which aim to ensure transparency, accountability, and integrity in their decision-making and conduct.

**Author** Democratic and Electoral Services Manager

**Ward** City wide

**Summary** One of the roles of Standards Committees is to promote and maintain high standards of conduct among the members of Community Councils, and to assist them to observe their codes of conduct. The Standards Committee has the power to:

- Issue guidance and advice on ethical issues and the Code of Conduct to Community Councils and their members;
- Grant or refuse dispensations to Community Council members who have a personal and prejudicial interest in a matter before their council;
- Deal with any reports from the Public Services Ombudsman for Wales that a Community Council member may have breached the Code of Conduct, and hear any complaints referred by the Ombudsman;
- Determine appropriate action, including the imposition of sanctions, in cases where a breach of the Code of Conduct has been found;
- Monitor the operation of the Code of Conduct and make recommendations for its improvement.

In support of their duty, Standards Committee requested this report that examines the current state of compliance and good practice amongst Community Councils, as well as identify any areas for improvement or support.

**Proposal** To consider the content of the report and make recommendations concerning areas of improvement or support for Community Councils.

**Action by** Head of Law & Standards and Democratic & Electoral Services Manager

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of People, Policy & Transformation

## **Background**

### **1. Terms of reference of Standards Committee**

The Local Government Act 2000 Part III requires the Standards Committee to carry out a number of statutory functions including:

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the Community Councils and the members of those Community Councils.

This report supports Standards Committee to fulfil their statutory functions by providing an overview of some of the statutory requirements of Community Councils in Wales, as defined by the Local Government Act 1972 and the Local Government (Wales) Measure 2011. The Committee requested this review as part of their programme of work.

### **2. Community Councils**

Community Councils are the lowest tier of local government in Wales, representing the interests of local communities and delivering some local services. Community Councils are required to comply with various statutory duties and obligations, such as holding regular meetings, publishing annual accounts, maintaining Registers of Interests, and adopting the Code of Conduct published by the Public Services Ombudsman for Wales.

The Local Government Act 1972 establishes the basic framework and powers of local authorities, including Community Councils. The Act also sets out the procedures for the election, composition, and functions of Community Councils, as well as their financial and audit arrangements. The Local Government Act 2000, which introduced a new ethical framework for local government, includes a Code of Conduct for members of Community Councils and a requirement to maintain a register of interests.

The Welsh Government supports and monitors the performance of Community Councils and provides guidance and training on good governance and best practice.

One of the roles of the Monitoring Officer of principal councils is to advise and assist Community Councils on matters relating to their governance, conduct, and legality. The Monitoring Officer also receives and investigates complaints about breaches of the Code of Conduct by members of Community Councils and may refer them to the Adjudication Panel for Wales or the Public Services Ombudsman for Wales for further action. The Monitoring Officer may also issue reports and recommendations to Community Councils on any issues of concern or non-compliance.

### **3. Register of Interests**

One of the statutory obligations of Community Councils in Wales is to keep and maintain a register of interests of their members, in accordance with the Local Government Act 2000 and the Code of Conduct for Members of Community Councils in Wales (2016). The register of interests is a public document that records any personal or financial interests that could potentially influence or affect a member's decision-making or conduct in their role as a Community Councillor.

The register of interests should include information such as:

- Any employment or business carried on by the member or their spouse or partner.
- Any person or body who has made a payment to the member or their spouse or partner in respect of their election or any expenses incurred by them in carrying out their duties.
- Any corporate body that has a place of business or land in the Community Council's area, and in which the member or their spouse or partner has a beneficial interest.
- Any contract for goods, services or works made between the Community Council and the member or their spouse or partner or a firm in which they are a partner, a company of which they are a director, or a body of the description specified in the previous bullet point.
- Any land in the Community Council's area in which the member or their spouse or partner has a beneficial interest.
- Any land in the Community Council's area for which the member or their spouse or partner has a licence (alone or jointly with others) to occupy for 28 days or longer.
- Any body to which the member or their spouse or partner has been elected, appointed or nominated by the Community Council.

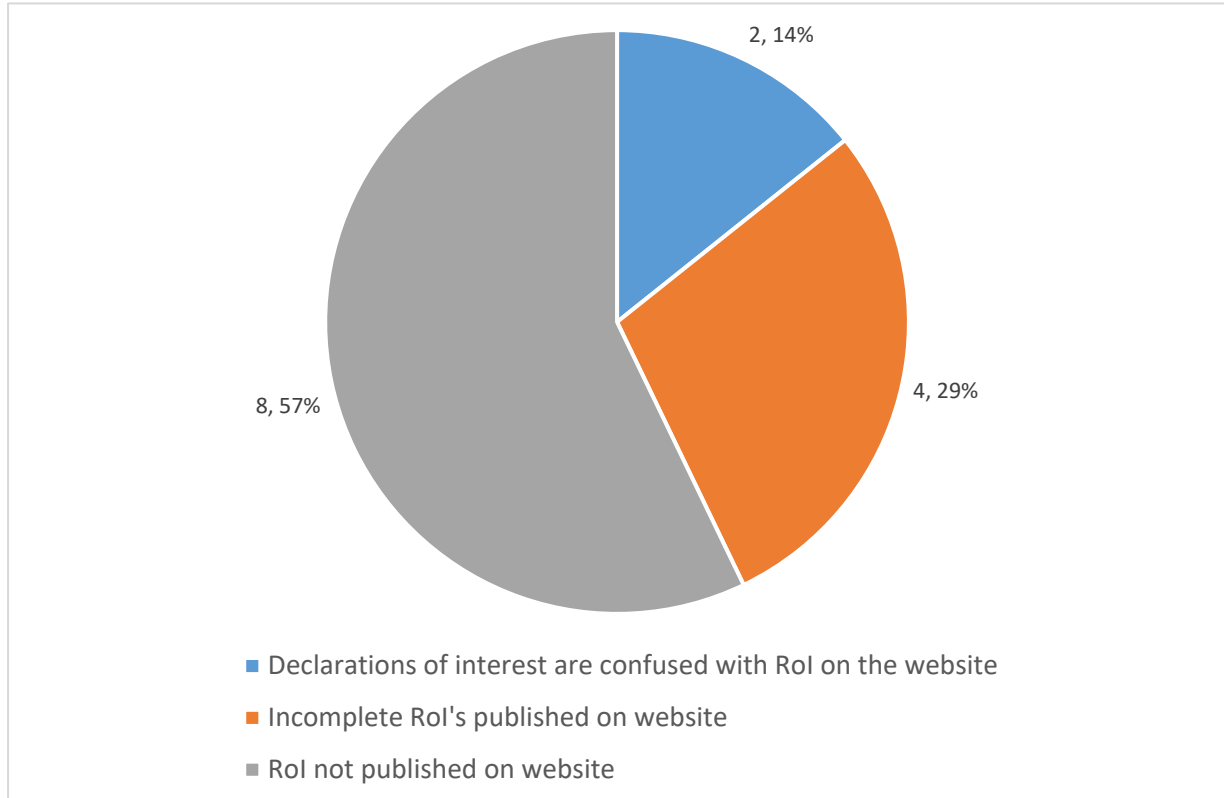
- Any public authority or body exercising functions of a public nature in which the member or their spouse or partner holds a position of general control or management.
- Any body directed to charitable purposes or whose principal purposes include the influence of public opinion or policy in which the member or their spouse or partner holds a position of general control or management.
- Any trade union or professional association of which the member or their spouse or partner is a member.

The register of interests should be updated within 28 days of any change in the circumstances of a member or their spouse or partner that affects their interests. Members should also declare any relevant interests at the start of any meeting of the Community Council or its committees or sub-committees and leave the room while any discussion or voting takes place on the matter to which the interest relates.

The register of interests should be published on the Community Council's website and made available for inspection by any member of the public at reasonable times and places. The register of interests should also be sent to the Monitoring Officer of the principal council for the area, who has the duty to establish and maintain a Register of Interests of all members of Community Councils in their area.

#### 4. Findings on Register of Interests

In the review of the information available on Community Council websites, the information accessible to the public does not meet the legislative requirements.



4 out of 14 Community Councils had some Registers of Interests (RoI's) published on their website. Of these 4, there were some RoI's missing for individual councillors, and some of the RoI's published were more than 2 years old. Some of the published RoI's were not dated or signed by the Community Councillor who had filled it out.

None of the Community Councils met the expectations regarding compliance with legislation on maintaining RoI's and making them publicly available to support transparency and impartiality in decision-making.

From discussions with representatives from Community Councils, it is clear that there are differences in understanding of the duties relating to RoI's. Many Community Councils consider that they do not have to publish their RoI publicly, and that holding a private RoI is compliant with legislation. However, whilst changes to legislation means that the specific details like property or business addresses can be redacted in the published register, it must be available online to satisfy requirements for openness and transparency. An example of a summarised RoI with redacted address details published by is shared under Appendix A.

There were 2 Community Councils that confused Registers of Interest with Declarations of Interest, and records of Declarations of Interest were presented on their website as a Register of Interest.

## **5. Code of Conduct**

Members of the Community Council are required to comply with the Code of Conduct, published by the Public Services Ombudsman for Wales, who sets out the standards of behaviour expected of them in their official capacity. The Code of Conduct covers matters such as respect, honesty, integrity, accountability, and leadership. Members should also act in accordance with the seven principles of public life, which are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

The Code of Conduct also regulates the personal interests of members and their spouses or partners, and how they should deal with conflicts of interest. As outlined earlier in the report, members have a duty to register and declare any interests that might affect or be seen to affect their ability to act impartially and objectively in the public interest. These include financial interests, such as employment, contracts, land ownership, or shares, as well as non-financial interests, such as membership of public bodies, charities, clubs, or societies.

Members who have a personal interest in any matter being considered by the Community Council or any of its committees or sub-committees must declare that interest and, unless they have been granted a dispensation, refrain from participating in any discussion or voting on the matter. Members who have a prejudicial interest, which is an interest that a reasonable member of the public would think is so significant that it would impair the member's judgement, must also leave the room where the meeting is taking place until the matter has been dealt with.

The Monitoring Officer receives complaints about the conduct of members of Community Councils. The Monitoring Officer has a duty to promote and maintain high standards of conduct by councillors and to advise them on the Code of Conduct. The Monitoring Officer can also provide training and guidance to Community Councils on the Code of Conduct and ethical issues.

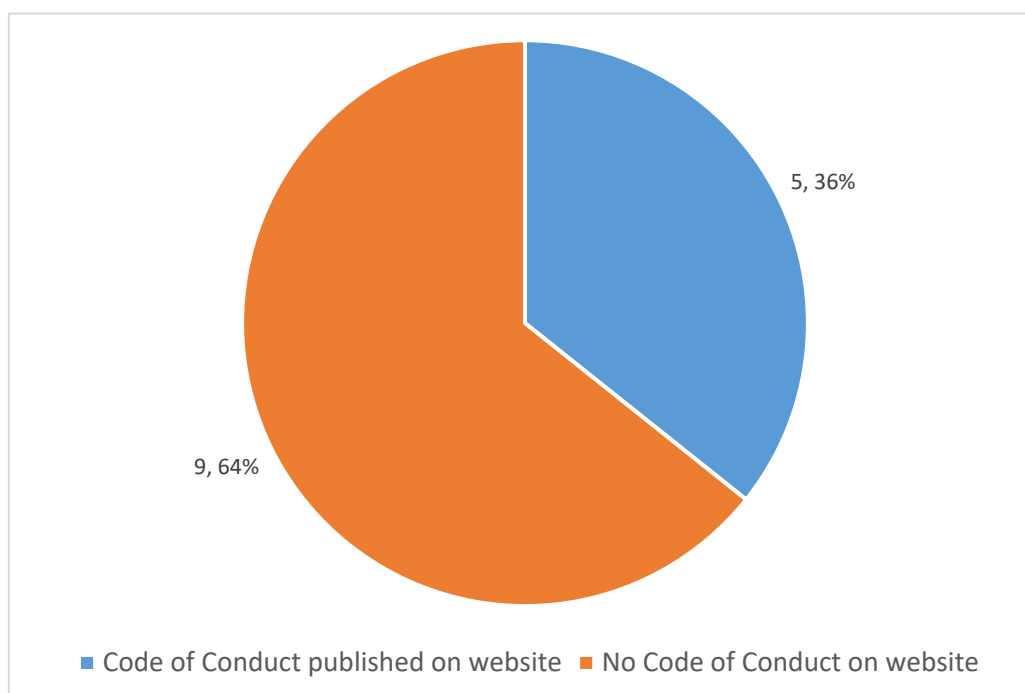
The Monitoring Officer will assess any complaint received and decide whether it merits investigation by the ombudsman or whether it can be resolved locally or informally. The Monitoring Officer may also refer a complaint to the Standards Committee of the principal council, which is a body of councillors and independent members that oversees the implementation and enforcement of the Code of Conduct. The Standards Committee can

issue advice, warnings, or recommendations to Community Councils or individual councillors on matters relating to the Code of Conduct.

Members who breach the Code of Conduct may be subject to complaints and sanctions by the Public Services Ombudsman for Wales, who is the independent body responsible for investigating allegations of misconduct by members of Community Councils and other public authorities in Wales. The ombudsman can refer serious cases to the Adjudication Panel for Wales, which has the power to impose penalties such as suspension or disqualification from office. Members who are suspended or disqualified are also barred from standing for election or co-option to any Community Council or principal council in Wales for the duration of the penalty.

## 6. Findings on Code of Conduct

The findings regarding Register of Interests summarised earlier in this report indicate that the requirements under the Code of Conduct require further work to ensure awareness and compliance with the Code. Furthermore, only a third of the Community Council websites included the Code of Conduct for Community Councillors and the community they serve to refer to.



## 7. Further Action

There are a number of potential actions that could be implemented to support the Community Councils to address gaps in their approach to Registers of Interest and Code of Conduct matters.

The Committee is invited to consider the options set out in the table below, and any additional actions they consider would facilitate improvement in Community Council's complying with Register of Interest and Code of Conduct requirements.

Action	Owner
Arrange a training session for community councillors on Code of Conduct	Head of Law and Standards / Democratic and Electoral Services Manager

Write to Chairs of Community Councils outlining their duties regarding Register of Interests and Code of Conduct	Head of Law and Standards / Standards Committee
Arrange an informal session for Community Council clerks to attend and discuss the requirements for Register of Interests and Code of Conduct	Democratic and Electoral Services Manager
Share example of Register of Interests best practice referenced in this report with Community Councils	Democratic and Electoral Services Manager
Follow up review to assess progress made and identify any remaining gaps	Deputy Democratic and Electoral Services Manager
Promote the external bodies that can support Community Councils in fulfilling their statutory duties, for example One Voice Wales, Society of Local Council Clerks, Welsh Local Government Association	Deputy Democratic and Electoral Services Manager

## 8. Financial Summary

There are no financial implications.

## 9. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Community Councils do not receive further support to address gaps in statutory requirements.	M	L	Recommendations from Standards Committee will be actioned to provide further support to Community Councils	Head of Law & Standards and Democratic and Electoral Services Manager

\*Taking account of proposed mitigation measures.

## Links to Council Policies and Priorities

The Nolan principles, which underpin the ethical standards framework, are enshrined in the Council's corporate and well-being objectives.

## Options Available

- (a) To note the report and take no further action.
- (b) To note the report and make recommendations to support the Community Councils to address gaps in statutory requirements.

## Preferred option and why

- (a) That the Committee notes the Report and make recommendations to support the Community Councils to address gaps in statutory requirements.

## Comments of Chief Financial Officer

There are no financial implications arising from this report.

## Comments of Monitoring Officer

relevant legal provisions are set out in the report. Given the range of issues identified in this report and the role of the Council's Monitoring Officer in promoting compliance by Community Councils with the various statutory provisions which govern them, it would be beneficial for this Committee to endorse the proposed actions set out above with a view to enabling officers to assist Community Councils in fulfilling their statutory duties.

## Comments of Head of People Policy & Transformation

The Code of Conduct and Register of Interests aim to ensure high standards in the undertaking of Community Council's duties. The report suggests a series of actions to address gaps in these requirements and demonstrates a joined-up approach to delivering local government functions in Newport.

There are no human resources implications within this report.

## Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required for the information presented in this report.

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

**Long-term** – The review will assist Standards Committee and the Council in taking a long-term view about improving ethical standards.

**Prevention** – The Forward Work Programme will help to prevent future complaints of misconduct.

**Integration** – The review has been produced in consultation with key stakeholders.

**Collaboration** – The review will facilitate collaboration between Standards Committees and Community Councils in improving matters of common interest.

**Involvement** – The review will encourage greater involvement in reporting and resolving issues relating to Standards.

## Consultation

No comments at this stage.



## Background Papers

[Local Government Act 1972](#)

[Local Government Act 2000](#)

[The Local Government Investigations \(Functions of Monitoring Officers and Standards Committees\) \(Wales\) Regulations 2001](#)

[The Public Services Ombudsman for Wales Act 2005](#)

[Local Government \(Wales\) Measure 2011](#)

[New Code of Conduct for Members of Community Councils in Wales \(2021\)](#)

[The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

[The Seven Principles of Public Life](#)

Dated: 4<sup>th</sup> April 2024

### **Appendix 1**

#### REGISTRATION OF PERSONAL INTERESTS

##### MEMBERS' CODE OF CONDUCT

Date	Councillor	Personal Interest
11/05/2023	Jane Croad	Old St. Mellons Community Council Tennis Club - Member
	Gaynor Hassan	None
	Anne Hopewell-Ash	None
	Rosemary James	Old St Mellons Village Association - Member Easter Cardiff Ministry Area
	Dianne Rees	Old St. Mellons Community Council Tennis Club - Member St. Edeyrns - Family Plot Ty'r Winch Playing Field - proximity to home
	John Summers	None
	Debra Brown	Old St Mellons Village Association - Member Old St Mellons Entertainers - Member Old St. Mellons Church in Wales School - L.A. Governor
	Ieuan Burridge-Bryant	Old St. Mellons Community Council Tennis Club - Vice Chair & Member
	Samuel Evans	None

I hereby certify that the above list of forms (as attached signed forms) under the Members' Register of Interest - Registration of Personal Interests have been completed and signed by the above Councillors in the year 2022 and are recorded in the Council Minutes - 11th May 2023

