

Minutes

Liaison Meeting with Community Councils

Date: 10 June 2021

Time: 6:00pm

Venue: Microsoft Teams Meeting

Present: G. Price (Head of Law and Regulation) (Chair), Pamela Tasker (Governance Officer), J. Stephens (Cardiff University)

Together with the following representatives from Community Councils:

N. Tarr (Graig), P. Gregory (Graig), C.Davies (Marshfield), B. Miles (Wentlooge), J. Foster (Wentlooge), M. George (Llanwern), V.Batchelor (Penhow), Councillor Y. Forsey (Rogerstone), M. Bentley (Rogerstone)

Apologies: T.Ducroq (Nash)

1. Apologies

T. Ducroq of Nash Community Council

2. Local Government & Elections (Wales) Act 2021

The Chair explained that the Local Government & Elections Act was top of the agenda for preparation between now and next May 2022 and asked whether any of the Community Councils were familiar with the legislation.

The Graig representative Nathan Tarr asked as to whether boundary changes would be affecting the Community Councils.

The Chair confirmed that the Council had undertaken an electoral review from the Boundary Commission, but the order had not been made yet by Welsh Government. This would change some of the Ward boundaries for the next council election, Rogerstone and Graig were affected but there were not too many other boundary changes.

The Graig representative asked as to whether Rogerstone would have more Councillors and the Chair confirmed that Rogerstone would have 4 Councillors due to an increased population but split into 3 different wards.

The Graig representative felt that it was a good move as Graig seemed quite isolated geographically. The Chair confirmed that there were still 2 Councillors for the Graig ward so no loss of representation there. The review of the city council was reviewed last year and the new ministers in the Senedd would need to make the new orders.

It was accepted that as Newport was a growing city there was a need to increase the number of Councillors. However, the Chair confirmed that the Boundary commission changes were not a huge difference to Community Councils.

The Chair stated that eligible Community Councils could apply to Welsh Government for a General Power of Competence and this may get a mixed response, but the power was there if they wanted to use it.

The Chair stated that for Community Councils the most important points to note were:

- Access to meetings- the requirements for remote meetings would continue. The obligations on community councils were not as onerous as City Council as the Council had to broadcast committees. For Community Councils it was just important for members to dial in and be heard. There was a diversity agenda by Welsh Government so if it was difficult for people to travel then they could dial in.
- reasonable access for public participation in meetings. We were still awaiting guidance on this, but it will be flexible.

The Llanwern representative stated that their community council could not meet up aside from social distancing rules, as remote access could not be given as the Community Council did not have the IT infrastructure to provide this.

The Chair confirmed that the need for remote attendance was for Community Councillors etc and that was due to social distancing but when this did not apply anymore it would be sufficient for the public to attend physically then.

The Wentlooge representative stated that he thought smaller Councils would struggle with remote access due to no internet access in village halls.

The Chair stated that the City Councils had more onerous rules but with Community Councils etc they could dial in on a mobile phone and this would be sufficient as long as they were heard. Some Community Councils could have some other way of participation where the rule stated that people must hear and be heard e.g., having someone on speaker phone would suffice. The Chair referred to the previous point by the Llanwern representative about the public participation in meetings, the public could come into the face-to-face meeting.

The Chair advised the representatives to check the guidance carefully when it was published, however Community Councils did not have to have broadband or costly technology.

The Graig representative referred to remote meetings and enquired as to when the pandemic was over would remote meetings or combined hybrid meetings continue.

The Chair confirmed that this would continue as the legislation required it. Newport City Council would have to continue as there were more onerous duties on us. It was all about keeping people safe and all Newport City Council committees were being held remotely so every single member dialled in remotely and the Government brought in temporary regulations to allow this to happen.

In England the legislation was different as their emergency powers for remote meetings ended in May as they only had 12 months power to bring in these measures.

In Wales the legislation expired in May, this legislation was enforced by then which continued the legality of remote meetings in Wales.

The Chair explained that in future Councillors would be given a choice as to whether they can come in for the meetings or dial in and the technology was being developed now to enable this. This meant that there would be screens in the council chamber as well as microphones etc which was a high cost, but we must broadcast our meetings. Community councils do not have to do this.

The Graig representative referred to the legislation that was published last week and asked about the number of people that could meet could not be more than 6 people indoors.

The Chair stated that that was relating to Covid restrictions and it was up to Community Councils as to whether they could meet safely while social distancing and the 6 people indoors referred to a household bubble. In relation to organised events this referred to 15-30 people, but this depended on whether the room was big enough for people to social distance.

The Graig representative stated that a trial meeting was held in Graig hall as it was a large area and 90% of people present had masks on and everyone voted to go back to zoom meetings as they couldn't hear the meeting.

The Chair agreed that it was the same with the Civic Centre as capacity for most rooms was limited, room to manoeuvre was important as it was not 100% sure that safety could be maintained there, so no face-to-face meetings were being held. If the risk assessment stated that it could be done safely it was recommended to not hold meetings face to face for now.

The Wentlooge representative explained that two Councillors were anti- vax so it was a difficult situation and asked as to whether they could be told that they cannot attend meetings or must attend remotely.

The Chair advised that it was a common problem as there was no legal power of compulsion for people to have the vaccination. However, Councillors have a legal requirement to attend meetings so remote meetings were advisable. If there was agreement for those Councillors to dial in remotely then this was different. However, if they were not and they felt discriminated against, then remote meetings were the safer option for everyone.

The Chair stated that there would be a requirement from next April for:

- Community Councils to produce a published **Annual Report**. It was uncertain as to the content yet, but the Annual report would ensure transparency at the end of the financial year and it was compulsory from next April 2022.

The Wentlooge representatives confirmed that this was already completed for Wentlooge as part of their budgeting where priorities were highlighted.

- **Training plans** must be published. Plans for training Councillors and Staff to be published 3 months after every election.

The Wentlooge representative asked whether courses were to become compulsory.

The Chair explained that Welsh Government had thought about this idea but shied away from this so training plans were a softer way of doing this. However, it

was discussed that Community Councils could make their training compulsory so they could have their own internal rules.

The Wentlooge representative stated that the Code of Conduct, basic planning, Finance, and Law should be key as to what Councillors can and cannot do.

The Chair stated that as part of a training plan the Community Councils themselves could make this compulsory, but training could come as a cost.

The Wentlooge representative agreed that there was a lot of funding available from Welsh Government by One Voice Wales for training and have accessed some free training this year.

The Graig representative added that maybe it might be worth having a common training programme that all comm councillors could foster.

The Chair stated that it was difficult to say as Community Councillors all have different training needs. There was certain training that was compulsory.

The Code of Conduct was currently being reviewed and Welsh Government have commissioned Mr Richard Penn who works for the Remuneration Panel to undertake a review of the Code of Conduct and the ethical framework e.g., role of the Ombudsman etc as the Members code of conduct had not been reviewed since 2006. Training on that revised code would be compulsory.

Newport City Council was planning a series of induction training sessions for the new intake of Members next May which would be on the Code of conduct. Between now and next May discussions could be had with Community Councils for any new or existing Councillors to have refresher training.

The Graig representative stated that he received training on the Code of Conduct in 2017 and had found it useful.

The Chair advised that there probably would not be too many changes, and Equalities duties would be added to as this was a priority for Welsh Government, and they may also look at the role of the Ombudsman in dealing with Complaints and the register of Members interest e.g., declaration of property. In Newport we redact members addresses for security reasons as Members own home address would be known.

The Chair reiterated that the Community Councils had been sent guidance by the Ombudsman that was issued previously on the Code of Conduct which was much better with real case examples.

It was discussed that training was now being posted online which was good to do in your own time, but Code of Conduct training was done better face to face.

The Graig representative enquired as to whether there would be any adaptations for individuals with additional needs for the training.

The Chair confirmed that there would be adaptations made and that we would need to be informed of any adaptations needed as equalities needed to be made a priority.

Agreed:

For the Governance Support Officer to circulate any new guidance to all Community Councils.

3. Volunteer Litter-picking

The Wentlooge representative reported that there have been a lot of litter picking groups now after lockdown which raised lots of questions and the Wentlooge representatives requested for an officer to come to the next meeting to clarify some points.

It was discussed how with the bag collections it was reported that there was a refusal to collect in certain areas and the biggest point was that with the rubbish that was taken out of a ditch which was alongside the road the current understanding was that it was not a Newport Councils issue but the landowner's issue.

The Wentlooge representative asked that in relation to the ditch on the highway was this Newport Council's and is the rubbish there collectable or not.

The Chair confirmed that the Governance Support officer was recording the questions asked and advice from City Services would be sought in relation to who was responsible.

The Wentlooge representative stated that what was hoped for was a system of support and more support for local groups as they were cleaning a lot of areas up and it was felt that the help of the local authority was required. There are now two groups in the Wentlooge level. It was explained that over the last year a local waste company removed 300-400 bags of litter which was helping the authority by doing this as it would cost thousands, but the local groups needed support.

The Marshfield representative stated that she totally supported what the Wentlooge representatives had stated and explained that she was part of Marshfield Magpies group and over lockdown they have had a tremendous amount of litter and fly tipping. On their boundary field is a middle of a ditch and in this were 200 tyres and one lot was removed but the landowner should have removed it. Litter pickers were removed by using the app and they were removed. The community was working really hard to solve this by reporting fly tipping, but it was felt that there was a real battle with Newport City Council and with certain officers as it was felt that they were a nuisance and that they shouldn't be litter picking as it's an inconvenience and causing more work.

The Chair stated that they were surprised by these comments as litter picks are encouraged by Newport City Council, but it was not for them to reply. It may be beneficial for Christine Thomas (Trade and Enforcement Manager) or Silvia Gonzalez Lopez (Service Manager Waste and Cleansing) to attend a future Community Councils Liaison meeting to discuss litter picking.

Councillor Yvonne Forsey stated that they had spoken to a Keep Wales Tidy representative today and more provision had been made for swifter pickups on the weekend have been arranged. But there was also talk about the need to coordinate litter picks in the city.

The Chair agreed that this needed to be coordinated.

Agreed:

For Christine Thomas (Trade and Enforcement Manager) or Silvia Gonzalez Lopez (Service Manager Waste and Cleansing) to be requested to attend a future Community Councils Liaison meeting to discuss litter picking. Keep Wales Tidy representative Matthew Selwood to also be contacted to attend.

4. Availability of Welsh Government Grants

The Wentlooge representative stated that it was important for Community Councils to know what grants were out there and that they received notifications for grants for halls, biodiversity etc are other councils hearing about this.

The Marshfield representative stated they receive notification of grants on behalf of Magpies grants have been looked at for pollinating gardens in the village and there are a lot of grants out there. Sometimes they are on the Newport bulletin. A single point or list would be great.

It was discussed that Gavin Jones was a good contact to have to discuss grants.

The Chair explained that if Newport City Council was aware of any then we would make Community Councils aware and if funding comes through us, we can spread information on it. A lot of funding was coming from Welsh Government directly to Councils. If we were directly involved, then we could make Councils aware, otherwise it could bypass us.

The Wentlooge representative stated that they wanted to use this forum to recommend for Councils to do lottery grant training and advised all Councils to do this. They stated that they were unaware that if you have fund matching, you can receive this through the lottery from two grants. If you received a grant and it needed to be fund matched and you needed another grant to support this, then this will be taken as the fund match.

The Chair agreed that match funding could come from a wide range of sources and there was lots of flexibility.

The Marshfield representative stated that Welsh Government had a lot of money to provide.

The Graig representative stated that there was some work needed to be done in Rhiwderin Community Centre and so they applied to the lottery, however the Lottery fund informed them that as they were a Community Council, they could not access it, so they received funding from Welsh Government instead.

The Head of Law and Regulation agreed that it did depend on the type of fund it was, as some was not available to public bodies.

The Wentlooge representative explained that he has a lottery credit card to the value of £850 for two tea parties for the VE day fund which was postponed for lockdown. However, the community council was advised that if there was a community event in the future and the funds can be used, they didn't need to fill in a form. An idea was submitted, and the answer was then given.

5. Community Funds from Third Party Developers

This item was not discussed.

6. Community Councils and the Adverse Possession of Common Land

The Wentlooge representative explained that many years ago they were told that you couldn't adversely possess common land. In a recent conversation it transpired that you can adversely possess it which was different to what was understood.

This spurred the community council on to address issues to do with enclosure which has been dealt with through legal over the years.

This was then passed to city services, but they have not had any responses so far.

The Wentlooge representative asked whether this new information was correct and can you adversely possess common land. If you can then they felt that they needed to address these enclosures as space maybe lost.

The Head of Law and Regulation advised that on the adverse possession point it was quite exceptional to have possession of a common and it was very unusual to do it as some commons are owned as some are sold so not legally impossible.

If it was a registered common, then ownership cannot interfere with people's rights to enjoy the common and this was where City services come in as commons where there is management scheme then city services will manage the common.

The Countryside team was responsible for managing this land.

The Wentlooge representative stated that when the common land had no known ownership then it was all clear. However, the Common was sold and then there was an owner, and it seems when there is a problem, there needs to be an agreement from the owner to carry out certain things and the current owner is quite obstructive. The current common is overgrown and has cars on it but Julie explained that they cannot go on there as it would be trespassing.

The Head of Law and Regulation explained that if there is an owner etc then the council would need their permission to carry out work, but people have the right to walk over the common e.g., to go on there and remove litter. However, carrying out work is different as this is maybe seeking permission from the owner.

The Wentlooge Representative explained that broadband etc couldn't be installed recently as the utility company could not get to the telegraph pole.

The Head of Law and Regulation agreed it was a difficult situation and this was why the community council was been referred to City services and explained that it was a discretion not a duty to carry out work there.

The Wentlooge representative Julie stated that they could not use it as it's so overgrown, but the Head of Law and Regulation stated that this was a practical and

not a legal problem. The Head of Law and Regulation advised that they consult a member of the legal department who would chase this up with City Services.

The Graig representative Nathan asked that if people were committing criminal offences on there can there be legal action against them.

The Head of Law and Regulation stated that they can be fined but was unaware of what the fine was. Under management schemes direct action was better.

The Nash representative asked who did the cars belong to and the Wentlooge representative Julie explained that the cars belong to the landowner and no one has permission to go on to the land to remove them.

The Head of Law and Regulation stated that this was a problem as with the removal of abandoned vehicles they would need the permission of the owner to remove them even if they were on the common. A 7-day notice had to be put on them to be towed away. However, City services needed to be look at it.

The Wentlooge representative stated this people cannot drive over it but there are cars on there that are abandoned. The Head of Law and Regulation stated that the owner can do anything on the common if they want to if they own it unless public rights of access is stopped. Maybe this was something that the Green team was able to look at and the Chair stated that they would chase this up.

The Wentlooge representative Julie stated that as ownership has caused so many problems can Newport City Council take this common back. If the community council were to raise enough money to purchase the common and there was a scheme of deed of arrangement, could the common be gifted.

The Chair confirmed that yes if city services want it and it can be maintained.

The Rogerstone representative mentioned the vehicles point removal and if there was a large amount of chemicals with car batteries would it come under an environmental hazard.

The Chair stated that yes if it's a public health nuisance then environmental health could serve a notice if it's a serious health notice.

The Wentlooge representative confirmed that the cars were full of rubbish and there were concerns regarding an infestation of rats and environmental health did come out as it was wondered was it contributing to this as there had not been a problem before.

The Chair stated that it was difficult to prove a rat nuisance.

7. The Local Development Plan and Community Councils

The Wentlooge representative wanted to give thanks to Lindsey Christian (Planning Policy Manager) who organised a Teams Call and provided a very informative and beneficial session on how community councils can assist in the LDP as they are starting to work on the LDP, and advice was wanted on what their role and responsibilities on this could be.

It was also felt that it would be useful for her to come to a future meeting and address the community councils.

The Chair agreed that planning should come to the group and provide a similar presentation so this can be arranged.

The Wentlooge representative stated that the meeting was set up as Julie had asked for advice and had a team's meeting regarding guidance on influencing the LDP and this was very helpful.

The Chair stated that the Council was about to review the LDP as it was 6 years old. The last council meeting in May 2021 where a delivery agreement was sent to Welsh Government and so next, we would invite comments, applications on candidate sites for development for inclusion in the LDP.

It was a good time for Lindsey to come to this forum as it will take until 2024 for the final plan to be adopted.

Agreed:

For Lindsey Christian or Matthew Sharpe in Planning to attend a future meeting.

8. Any Other Business

The Marshfield representative remarked about a lack of info from Enforcement on illegal developments in the village regarding unlawful developments. There was difficulty getting more information from the Council and a complaint was sent in due to not getting any feedback at all. The Marshfield representative requested that a representative from Enforcement to come to a future meeting.

The Chair recommended for the details to be sent into the Governance Support Officer so the Chair could raise with the Head of Service.

The Marshfield representative stated that other councils may be having the same problems as well. The complaint was sent in a few months ago and it was decided that it went to the Ombudsman as it was not sufficient.

The Chair stated that if it was the case that there were issues with processes in dealing with community councils this could be raised at a future meeting.

The Wentlooge representative stated they had been involved in discussions regarding Hidden Carers who were carers for family members who were underneath the radar, and it was discovered that GPs have allocated carer officers and so does every local authority.

Agreed:

For the Governance Support Officer to find out the name of the Hidden Carer allocated officer.

For the Marshfield representative to email the Governance support officer any information on the Enforcement enquiry to be passed onto the Chair.

9. Date of the Next Meeting

16 September 2021 at 6pm