

Report



Standards Committee

Part 1

Date: 26 May 2016

Item No: 10

Subject Community Council Review

Purpose To advise Committee of the comments received in response to the community council review.

Author Head of Law and Regulation

Ward General

Summary As part of the Forward Work programme, Standards Committee have agreed to undertake a periodic review of local community councils to check that statutory registers are being properly maintained and procedures for declarations are being followed. A letter was sent by the Monitoring Officer to all 14 community council Clerks in January 2008, asking about the arrangements for maintaining and publishing statutory registers and any training and development needs. Copies of the responses received to date are attached.

Proposal To note the Report and agree any further action.

Action by Head of Law and Regulation

Timetable Immediate

Background

1. As part of the Forward Work programme, Standards Committee have agreed to undertake a periodic review of local community councils to check that statutory registers are being properly maintained and procedures for declarations are being followed. The review is also intended to engage with community councils to ensure compliance with the ethical framework and to identify any training and development needs.
2. A letter was sent by the Monitoring Officer to all 14 community council Clerks in January 2008, asking about the arrangements for maintaining and publishing statutory registers and any training and development needs.
3. Copies of the 8 responses received to date are attached.
4. All of the responding councils have made arrangements to maintain and publish the registers, as required by the Local Government Act 200 and the Local Government (Wales) Measure and are, therefore, complying with their statutory duties.
5. They have not identified any specific training needs and, generally, most of them feel that any further training can be deferred until after the next local elections in May 2017.
6. Most of the responding councils have indicated a willingness to adopt the City Council local resolution protocol, on a voluntary basis, as a means of resolving low-level complaints.
7. Following the changes to the new Model Code of Conduct, all of the community councils are required to formally adopt the new code before 26th June 2016.

Financial Summary

8. There are no financial implications.

Options Available

9. To note the Report and agree any further action required

Comments of Chief Financial Officer

10. There are no financial implications.

Comments of Monitoring Officer

11. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

12. There are no staffing or policy implications.

Dated: 16 May 2016

Standards Review

Responses to Community Councils Letter sent 8 January 2016

1. Llanvaches Community Council

1. ***What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where are the records held?***

A register is held with the Proper Officer at the Clerks address. The register is updated monthly and any new additions are added to the register also available on the website. To date there are no Member Interests.

2. ***If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated?***

Updated as and when a new Member Interest is notified.

3. ***Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act?***

All information published electronically complying with Section 55-57 of the 2013 Act.

4. ***Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training?***

No but may be worth offering training post Community Council elections 2017.

5. ***Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code?***

No.

6. ***Newport City Council has adopted a local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and officers, as recommended the Ombudsman. This involves an informal resolution process but with a right to refer the complaint to the Standards Committee for a final decision, which could result in a recommendation that a Councillor be censured. A copy of this Protocol is attached, for your information.***

Would you be interested in adopting this protocol on a voluntary basis and agreeing to any relevant complaints being dealt with in this way?

Yes.

7. ***Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider?***

No.

2. Goldcliff Community Council

We were compliant although our web site currently needs updating due mainly to the fact that I was unwell early 2015. The website however should be updated by end of January 2016. Up until that time we were up to date. I have however made arrangements with our website provider for refresher training on website maintenance which hopefully should take place soon. Annual accounts were displayed on the notice board in 2015 as is always the case but still need to be put on the web site as do several sets of minutes and agendas.

I am aware though that there are Councils in the Newport area who do not comply with the 2013 act in that they have never displayed minutes or accounts on their web sites so I have not worried too much in recent months. GCC's obligations will be put right asap.

Register of Members interests has never been on the web site but I maintain the register as always (which in most cases is a nil return - I ask all members to complete the usual return at the agm each May) although we do have one or two Councillors who go glazy eyed when I week information from them. The Register is updated each year (I don't use the full form that NCC uses for its members but the supplementary form). I did exchange emails with GP on this several years ago when he provided me with the set of forms. At that time it was not compulsory for CCs.

Code of Conduct (or any training) meets a head down response from one or two when courses come thru and short of making them compulsory (which personally I think they should be) don't know what to do about it. Our recently co-opted councillor set a good example in taking up OWW training just before Christmas.

As regards complaints to the Ombudsman. We were in that situation two years ago but the complaint was not upheld. Wayne, our Chair and myself, were obviously aware. Reference to a complaint to the Ombudsman was briefly noted in our minutes, without any detail, and the correspondence sealed and filed when the complaint was rejected.

3. Llanwern

Awaiting response following their AGM.

4. Penhow Community Council

1. The Council Clerk (Beryl Morgan) is the designated Proper Officer.
Our Register of Members Interest was updated during May – July 2015 and is now stored in hard copy and electronically in the Clerk's filing system (at home address).
The Register of Interest can be made available for inspection on request, either by e-mail, or by provision of a photocopy or by visual inspection of the hard copy (signed) record from the Clerk's filing system.
2. The Community Council does have a website (penhowcommunity.org), & the Register of Interest is published on this website.
The website is updated as needed (at least twice a month).
The Register of Interest is to be updated as needed, & reviewed annually (along with our Standing Orders, Financial Regulations & Risk Assessment documents), at the start of each new Council year (May).
3. Certified Audit Accounts are not yet on the website. We have had problems working out how to transfer the official document onto the website. This is currently being addressed.

4. As far as I am aware, members of the Council do not have any need for refresher or additional training on The Code of Conduct, but I will check this at our next meeting (February 3rd).
5. We have no problems with ethical behaviour or application of the Code.
6. Will discuss at our next meeting.
7. Probably not but will raise at our next meeting.

5. Marshfield Community Council

1. *What arrangements have you made for maintaining the Register of Members interests in accordance with Section 81 of the Local Government Act 2000? In particular who is the designated "proper officer, what arrangements are made for making the register available for public inspection and where are the records held? Council Members and co-opted committee members are requested by the Clerk to complete a questionnaire, as used by NCC. This is held in a file by the Clerk and made available for inspection during meetings and at any reasonable time, if requested by members of public.*
2. *If your Community Council has a website, is the Register of Members interests published on the website and how often is this updated? Marshfield CC has a website but the Register of Interests is not included, although those disclosed during meetings are included in the minutes of the meeting which are included in the website.*
3. *Does the Council also publish other information electronically as required by Sections 55-57 of the 2013 Act? Yes.*
4. *Do members of the Community Council have any need for refresher training on the Members Code of Conduct or are there any particular areas of the Code on which they would benefit from training? Not required in recent years but a number of vacancies have been filled by co-option since then. I will need to obtain feedback to answer this question.*
5. *Are there any particular problems with standards of Ethical behaviour within the Community Council or particular problems regarding the application of the Code? No, but interpretation of prejudicial interests has been the subject most often requiring some guidance.*
6. *Newport City Council has adopted a local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and officers, as recommended the Ombudsman. This involves an informal resolution process but with a right to refer the complaint to the Standards Committee for a final decision, which could result in a recommendation that a Councillor be censured. A copy of this Protocol is attached, for your information.*

Would you be interested in adopting this protocol on a voluntary basis and agreeing to any relevant complaints being dealt with in this way? Yes.
7. *Do you have any other comments regarding Ethical standards issues or matters that you would wish the Standards Committee to consider? No.*

6. Langstone Community Council

1. As Clerk, I am designated as the Proper Officer for Langstone Community Council. I hold copies of each Councillor's Declaration of Interest form and these are available at my office on request and online at LCC's website.
2. The website contains links to each Councillor's Declaration of Interests. These are updated whenever a Councillor makes a change to his/her Declaration and whenever a Councillor joins or leaves the Council.
3. Yes, LCC publishes all agenda, minutes, financial reports, etc on its website. Here is a link to the website: www.langstonecommunitycouncil.org.uk
 - it would benefit from Code of Conduct training, but did not highlight any specific areas.
 - The Council did not identify any particular issues with standards of ethical behaviour.
 - The Council agreed that it would be interested in adopting a low-level complaints protocol and would welcome relevant complaints being dealt with in this way.

7. Rogerstone Community Council

Register of Interests is kept at Tydu Community Hall & available for inspection by appointment. The Proper Officer is the Clerk 2. Register of Interests is on our website & updated when Members advise of a change in circumstances.

1. As far as we are aware, information is published electronically as required (any comments on the information on our website would be welcome).
2. Members would be interested on refresher training on the Code of Conduct in general 5. We do not believe so.
3. Yes.
4. No.

8. Graig Community Council

1. As the Council's Proper Officer, I as the Clerk am responsible for the compilation of the Register of Member's Interests and it is held at my home address. Details on our website advise the public how to contact me to arrange for inspection.
2. Yes, we have a website. The actual register is not published, but on our COUNCILLORS page, there is a profile of each Councillor. This includes a photograph, a short biography, contact details, details of sub-committees and groups the Councillor sits on, his/her political affiliation, which ward they represent and details of their Members Interests. I trust this is sufficient. The information is easier to access here than if it were added as a document on our DOCUMENT LIBRARY page.

This information is updated whenever new information is presented, a new Councillor joins or at the very least annually when an election takes place.

3. Yes, in addition to the information detailed in (2) above, we publish minutes, agendas, public information etc. We believe we cover the requirements of Sections 55-57 of the 2013 Act and more.
4. On discussing their needs with Council, they believe they have no need of further training on the Members Code of Conduct at this time. All Councillors have received training in this area (which was provided by the City Council during the past 3 years) with the exception of one new Councillor who is able to ask advice from the other Councillors who have all attended at least one of the two full training sessions.
5. Council has no concerns regarding the standard of Ethical behaviour of any kind.

6. Council would be happy to adopt the City Council's local resolution protocol for resolving low-level complaints and minor breaches of the Code of Conduct involving Councillors and Officers, as recommended by the Ombudsman.
7. Council has no further comments regarding Ethical standards issues or matters that they would wish the Standards Committee to consider.

I trust this response is in an acceptable format for you Anne, but please let me know if you would prefer me to respond in a more formal way by letter to the Committee.