



STANDARDS CONFERENCE WALES 2015

Workshop

Community and Town Councils –
Governance and Standards



Un Llais Cymru



One Voice Wales

www.onevoicewales.org.uk



Un Llais Cymru



One Voice Wales

Vision:

“Working with local councils in Wales to shape the places communities want to live in”

Mission Statement:

To represent the interests of community and town councils; raise awareness and understanding of this first tier of government; and work collaboratively with our partners to ensure the sector contributes fully to the goal of developing dynamic and sustainable communities in Wales.



Theme for Today

In this workshop I would like to explore with you the issues of governance and standards in community and town councils, proposed changes facing the sector and ways in which councillors can work more effectively, and efficiently, together



Community Council Governance and Standards

White paper: Power to local people...strong case for bringing more consistency to the sector:

1. Higher standards of governance and financial management
2. Increased professional capacity and capability
3. And, greater democratic accountability



Community Council Governance and Standards

White paper: Power to local people...

Aims:

1. Enable Local Authorities to work with local council sector
2. Provide communities with more confidence in their community and town councils



Competent Community Councils

Competency tests:

A democracy test: at least two-thirds of the Councillors on a Community Council have been declared elected at either an ordinary election or a by-election



Competent Community Councils

Competency tests:

A capability test: the Community Council must employ a clerk with relevant professional qualifications. Relevant qualifications might include Certificate in Local Council Administration; Certificate of Higher Education in Local Policy; Certificate of Higher Education in Local Council Administration; the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire; or qualifying professional status such as a lawyer or accountant;



Competent Community Councils

Competency tests:

A **capacity test**: the Council has a minimum annual budget of £200,000 (since abandoned); and

Competent Community Councils

Competency tests:

A governance test: the Council has implemented a sound system of financial management and internal control in line with statutory requirements, and meets certain other criteria such as having a website on which it publishes agendas, minutes and accounts and being contactable by email.



Competent Community Councils

Privileges:

1. Extend the general power of competence to competent Community Councils, while prescribing that Community Council funding can not be used for political purposes. A competent Community Council would not be subject to the section 137 limits of the Local Government Act 1972;
2. They will be deemed to be community bodies, with certain rights or entitlements; and
3. they will not necessarily be subject to capping of the precept. Proposed other Community Councils should be subject to a cap on the annual increase in the precept which could be the same as the percentage increase in the Principal Local Authority's Council Tax in the same financial year.

Competent Community Councils

Expectations:

1. To see more extensive delegation of functions from Principal Local Authorities to competent Community Councils;
2. Community Councils which can demonstrate they meet these competency tests will need to pass a resolution to that effect and notify a committee of the Local Authority in their area.

Competent Community Councils

Potential implications for Principal Authorities:

1. The Local Authority would be required to nominate one of its committees for this purpose.;
2. The committee nominated by the Local Authority should have powers to require a Community Council at any time to demonstrate its continuing competence and if it is not satisfied, revoke the Community Council's competency qualification.

Competent Community Councils

Other potential implications for Community Councils - other governance and transparency arrangements:

1. A requirement on the Chair of the Community Council to publish an annual report;
2. To set objectives for, or otherwise manage the performance of, the clerk to the Community Council.
3. For the public to have a right to attend, speak at and record meetings of their Community Council, including film and video recording.

Members of Community and Town Councillors

The GUIDING PRINCIPLE

Councillors are there to serve
their communities



CODE OF CONDUCT

**Applies to members of
Community and Town
Councillors**

**Reinforces the Guiding Principle
of “service before self”**



Ethics



- **Act openly and honourably in public**
- **Never secure personal advantage or avoid disadvantage, for you, friends, family or associates**
- **Not disadvantage others**
- **Never bring you or the council into disrepute**



What Councillors must do



- **Promote equality**
- **Treat others with respect**
- **Provide access to information**
- **Make decisions on the merits of a case and with regard to the advice of officers**
- **Abide by rules on expenses**
- **Report any breaches of the code or criminal behaviour by another member**



What Councillors must not do



- **Accept unofficial gifts**
- **Disclose information given in confidence**
- **Use Council resources improperly**
- **Make vexatious or malicious complaints**



Personal Interests



- A professional or personal interest outside your role may conflict with your duty as a councillor to serve the community
- You must declare a personal interest as soon as you are aware that you (or people close to you) may benefit more than other people in the community from the outcome of a matter under discussion.



What the Code protects...

- **Your electors**
- **Your council**
- **And YOU**



SELFLESSNESS

STEWARDSHIP

LEADERSHIP

**EQUALITY AND
RESPECT**

OBJECTIVITY



HONESTY

OPENESS

**INTEGRITY &
PROPRIETY**

ACCOUNTABILITY

A DUTY TO UPHOLD THE LAW





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Managing Behaviour through Good Governance

What's the problem?

Bullying *“may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*

Harassment is *“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.”* This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

Managing Behaviour through Good Governance

Who bullies who?

- Councillors vs Councillors
- Councillors vs Officers
- Officers vs Councillors
- Members of the Public?

Managing Behaviour through Good Governance

What isn't bullying?

- Performance Management
- Robust Management
- Differences of Opinion
- Complaints about the Council

Independent Scrutiny

Organisation's regulating the local council sector:

1. Wales Audit Office
2. Public Services Ombudsman
3. Independent Remuneration Panel

WAO Financial Management and Governance in Community and Town Councils 2013-14

Findings:

1. Although timeliness of accounts across the sector continues to improve, there remains a small core of councils which fail to provide complete and accurate accounts and other information for audit on a timely basis
2. The number of qualified audit opinions continues to decrease but too many councils have received qualified audit opinions for two or more of the last three years
3. Councils are making progress addressing the issues raised in previous reports but there is evidence of continuing failure to comply with statutory requirements
4. Local councils can learn lessons from the appointed auditor's report in the public interest

Public Services Ombudsman Annual Report 2014/15



Code of Conduct Complaints:

231 complaints received – a 1% increase on 2013/14

125 County Councillor complaints – a 13% increase

106 Community Council complaints – an 8% decrease

- 2 reported to Standards Committee
- 1 taken to Adjudication Panel

Case study Llansannan Community Council – Welsh Language / translation provision



One Voice Wales support

Training:

22 training courses including , for example (see handout for full list):

1. The Council
2. The Councillor
3. Local Government Finance
4. Code of Conduct
5. Devolution of Services

Consultancy:

Bespoke services tailored to individual councils needs including:

1. Accountancy support
2. Health and Safety
3. Human Resources

**Thank you –
any questions**

**Please help yourself to
the handouts**



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WORKSHOP GROUPS

What are the main barriers to meeting the Competent Councils requirements?

How can we over come these problems ?

