

# Complete Agenda



**Democracy Service**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

To: Members of the Standards Committee

16/11/22

Dear Member,

**STANDARDS COMMITTEE – 21 NOVEMBER, 2022  
LATE REPORT**

I enclose a late report in respect of the following item:-

- 7. THE STANDARDS COMMITTEE'S CONSULTATION WITH A 2 - 18  
SELECTION OF TOWN AND COMMUNITY COUNCIL CLERKS IN  
RELATION TO THE ETHICAL STANDARDS FRAMEWORK**

To submit the report of the Monitoring Officer.

Yours sincerely,

**Democracy Services Officer**

# Agenda Item 7

<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>21 November 2022</b>
<b>Title:</b>	<b>The Standards Committee's consultation with a selection of Town and Community Council Clerks in relation to the Ethical Standards Framework</b>
<b>Author:</b>	<b>Monitoring Officer</b>
<b>Purpose:</b>	<b>To present the report to the Committee for its observations</b>

## **Background**

1. The Committee's decision that the Chairman and the Community Committee Member should do a piece of work to better understand the needs of community council clerks in terms of support in the context of the ethical framework and the functions of the Standards Committee specifically.
2. This work is welcomed as a means of assisting us in providing support and more specifically tailoring training on the Code of Conduct for Members, focusing on those issues that most need attention.
3. The Report is presented as Appendix 1, together with my comments on the report as Appendix 2.

## **Recommendations**

4. The Committee is asked for its observations on the Report

**Standards Committee Consultation with  
a selection of Town and Community Council clerks  
regarding the Ethical Standards Framework**

**Report to the Standards Committee**

**by**

**Dr Einir Young (Chairman)  
and Richard Parry-Hughes (Community Committee Member)**

**November 2022**

	Page
Index	2
1. Introduction	3
2.The context	3
3.Executive summary	4
4.The results	6
5. Conclusion	10
Appendix 1. The questions asked	11
Appendix 2.The Standards Committee's letter to the Clerks	12
Appendix 3.Summary of the recommendations	13

**The Standards Committee's consultation with a selection of Town and Community Council Clerks  
in relation to the Ethical Standards Framework  
Report to the Standards Committee by Dr Einir Young (Chair) and Richard Parry-Hughes  
(Community Committee Member), November 2022**

## **1. Introduction**

Cyngor Gwynedd's Standards Committee wishes to better understand the challenges that are facing the Town and Community Councils in terms of maintaining standards. The Chair of the Standards Committee and the Representative of the Town and Community Councils were asked to take responsibility for the work.

The purpose of this report is to help the Committee to understand more about how the different councils act and the clerks' needs in terms of receiving support. This information will be particularly valuable as the Committee proceeds to consider whether there is a need to draw-up specific training that is suitable for town and community councils on the Code of Conduct for Members.

## **2. Context:**

At its meeting on 14 February 2022, Cyngor Gwynedd's Standards Committee received a report by the Task and Finish Group that discussed the Penn Report and the Ethical Standards Framework.

A discussion was held on the Community Councils at the Task Group, and the following was noted:

- It appears that the greatest challenge in terms of standards exists amongst the community councils.
- The role of clerk is key and we should look at the support that could be offered to them.
- It appears that there is a broad range of responsibilities, experiences and pay amongst clerks and that information about this would be useful.
- It would be beneficial for the Committee to obtain more specific information about where the problems arise so that the attention can be targeted where needed.
- The circumstances that tend to lead to conduct problems within community councils should be analysed so that suitable training and support can be planned.

In order to move the discussion forward, the Standards Committee confirmed the Group's recommendation, namely:

- "That the Chair and Community Committee Member carry out a piece of work with the clerks of community and town councils to better understand their needs".

The following specific subjects were identified for consideration

### **The Role of the Clerks**

There is a perception that the role of the clerk in steering the Council is key, but their effectiveness varies greatly. Due to the lack of experience or lack of confidence or a combination of both, it is possible that they cannot always offer strong enough guidance for members.

One hot topic that often causes confusion and where the clerk must show leadership is the necessity for a member to 'declare an interest' when appropriate.

## **Training**

The Penn Report recommends that training on the Code of Conduct will become mandatory for all primary councils and community councils - but there is a question about the practicality of that since there are 750 members across Gwynedd. It must also be borne in mind that the councillors on this tier of local government are volunteers, except for travelling costs if they travel outside their area. They are also often open to being mocked, e.g. The Vicar of Dibley.

As such, we suggest that it is easier to ensure that the Clerks are supported to be completely knowledgeable in their role so that they can manage their committees effectively, set definitive boundaries and kill any misconduct at the source.

## **Various arrangements**

Community councils vary in terms of their size and in terms of how their clerks are appointed and operate. For example, Bala Town Council, Llanuwchllyn and Llangywer share a clerk and Llanycil and Llandderfel, the other members of 'Pump Plwyf Penllyn', share another clerk. There is close collaboration between the five communities.

In Dyffryn Ogwen, three Community councils have pooled their resources in order to obtain a clerks' service from the staff of Partneriaeth Ogwen. Originally, there was one clerk for the three Councils, but now there is one clerk for Bethesda Town Council, and Llanllechid and Llandygai share a clerk.

**The Role of Cyngor Gwynedd's Elected Members in relation to their Community Councils.** Many councillors have been appointed to the two posts, and are therefore full members of their community councils. Every County Councillor is invited to observe at Community Council meetings. The relationship of the county councillors and community councillors vary and it would be useful to gain their views on how the town and community councils work.

## **Executive Summary**

13 Town and Community council clerks were questioned. A few clerks were available for more than one council and three councils had a successful and innovative relationship with Partneriaeth Ogwen to provide a clerks' service. The majority were female, whilst only two were male.

The salaries of the clerks varied from £37,000 for a full-time job in one Town Council, to £600 (pre-tax) at one of the smaller councils. There is no standard job description for a clerk - every council creates a job description for its own needs.

Nobody had a specific professional qualification for a Clerk's post before being appointed, but one clerk was about to qualify with the Certificate in Local Council Administration, Society of Local Councils and Clerks. They were the first to follow this course through the medium of Welsh. Another 3 are in the process of following the course.

Understanding of the framework varied from 'full understanding' (5), 'understand to an extent / relatively confident' (5), with one admitting that they did not understand the framework. Considering that nobody received the training before undertaking the post, it is astounding that so many are confident.

Everyone was confident that they knew when an interest should be declared but not all were certain that the councillors knew. Declaring an interest is the responsibility of individual councillors and the majority noted that the only role of the clerk was to offer guidance. There is confusion surrounding this with some declaring an interest unnecessarily, and others not understanding the difference between declaring an interest and declaring a prejudicial interest. Many noted that the councillors need training in this context, but that it is exceptionally difficult to persuade volunteers to follow a course that is considered to be an additional burden.

Following the publicity given to the case of Jackie Weaver, the clerk that became known for intervening in an unruly Zoom meeting during the pandemic, the awareness of a clerk's power is more known to some than to others. A few clerks noted that the role of Chair was to manage the meeting and a discussion was held on the need for chairs to have training, as well as the clerk. Some chairs take their role more seriously than others, with some leaving everything to the clerk and interpreting their role as one of chairing meetings only, and nothing else.

Everyone was relatively comfortable with 'challenging a member' but it was noted that the word 'challenge' was too strong and that providing advice in an authoritative manner would be the best way to describe what should happen. Again, there is room for the Chair to take responsibility for unruly conduct at meetings.

Everyone knew where to go for advice and everyone had great praise to the support available from One Voice Wales regarding general issues relating to their councils.

In terms of making clerks' lives easier, a range of responses were received. One clerk was completely happy, another had not been in the role long enough to be able to comment and another was eager to have less work. Varied and useful suggestions were received from others, but specifically, it was noted that it would be useful if councillors understood their role better, that more effort was made to ensure that the public understood the difference between the responsibility of the town/community council and County Council and that the County Councillors collaborated to bridge between both councils. The resulting misunderstanding can cause lower level discontent, which could lead to something more serious.

All except one saw the value in having a support group and many of them were already involved in groups such as One Voice Wales and the Society of Clerks. Others referred to the Gwynedd clerks' group which existed pre-COVID and referred to resuscitating this - but accepted that this would need to be led and administered by them. The old group relied on a clerk that had now given up her job.

In terms of the advice available for clerks, there was unanimous support for One Voice Wales and the clear message that every council should become members in order to benefit from the training available. SLCC and their website is a source of information and there is some joint-discussion going on, where clerks help each other. The relationship with Cyngor Gwynedd is more complicated and needs attention. Some of those who have had to ask for help with the examples (quite rare in our sample) of misconduct were relatively happy, but were aware of the lack of capacity for preventative help, before things became too much.

The clerks were given an opportunity at the end to make observations on any hot topic. One thing that is completely clear is that matters relating to standards do not fit in a neat box, but instead overlap all of the councils' and clerks' work. One idea was to define the relationship between the Town/Community Council and the County Council more clearly and to improve the

communication between both political levels. Clerks require training on general matters, but also on how to deal with this relationship. It may be useful, possibly, to have a meeting once a year between clerks and county officers, to share information.

#### **4. The results per question with recommendations**

**Do you have a professional qualification?** None of the clerks questioned had a professional qualification prior to their appointment. A few clerks are very experienced as a result of their career and there is no need for a specific qualification in order to be a clerk. One clerk questioned was about to qualify from the Local Authority Certificate of Administration (CILCA) and another 3 were following the course. One clerk had taken it upon themselves to undertake training.

**Did you receive training before commencing in the post?** This varied - with the majority describing the experience as 'in at the deep end'. Some received training and mentoring after being appointed, but this only happened at random.

Recommendation 1: Need to ensure that every clerk receives baseline training/mentoring.

**Are you confident that you understand the Standards Framework?** The responses varied from 'yes' to 'no', with those who knew about and understood the Standards Framework were confident that they would be able to gain access to support from various sources, e.g. One Voice Wales, other clerks, ['Society of Local Council Clerks'](#). Whilst every Clerk said that they understood and knew what the "Standards Framework" was, only one had followed the course. They said - 'I was a Trainer for One Voice Wales until the Covid period and I follow matters by being a member of SLCC'. This clerk had also helped another clerk in a nearby council.

#### **Are you confident that you know when a member should declare an interest?**

The majority were confident that they knew, with a few learning from necessity as they were dealing with a complaint to the Ombudsman. It was noted that there was a need to rely on the member's honesty to make a declaration and that they could not do much to enforce this. It was also noted that some of the councillors believed that an interest does not affect their ability to be neutral, but for some reason, that the rules do not apply to them. These are the exact people who are ready to throw other councillors who fail to declare an interest under the bus!

#### **If a member behaves in a way that you consider to be unacceptable, do you know what to do to bring the meeting back onto the right track?**

The cases of misconduct in the councils included in this report were scarce. On the contrary, the majority of the clerks reported that 'everyone is kind', everyone has known each other for years - nobody would even think of misbehaving. However, in the councils where an individual / individuals behaves unacceptably, it is another matter and the clerks of those councils have a hard time.

Another point raised by a minority was that the chair is responsible for steering the meeting, not the clerk's responsibility - as noted in the notorious case of Jackie Weaver. The standard of Chairs varies - a few take their responsibilities seriously and discuss the agenda and actions with the clerk beforehand but others turn up just to chair.



Recommendation 2: Town and Community Council chairs need more detailed training/job descriptions

**b) are you confident to challenge a member?**

This varied with the experience/age of the clerk and the age profile of the Council in question. Three responded positively, and they had either received training or were experienced from another field - e.g. 'We will avoid 'challenging' and creating a situation that could lead to uproar, but I would be confident in my ability to provide advice and guidance in an authoritative manner'.

Recommendation 3: Once again, it is noted that the Chair is responsible for challenging, the clerk's role is to advise the Chair. It should be ensured that the Chair and the clerk understand this.

**c) Do you know where to go for support if things go wrong?**

The clerks enquired where to go for support (One Voice Wales, SLCC namely the Society of town and community clerks and the monitoring officer), but it is noted that this advice is not only effective, in the sense that no mechanism is available to resolve local problems conveniently without making an official complaint. And making an official complaint is a burdensome and lengthy process - like placing someone on the naughty step months after the event, rather than dealing with the crime immediately.

Recommendation 4: There is a need to acknowledge the councils who are having difficulties and focus efforts on resolving the misconduct there before it gets too serious. There was a perception that the help available was weak - for example, a formal complaint was needed before anything could be done about it - instead of being able to call for swift and effective intervention.

**d) training for members**

The general view is that it is very difficult to persuade Councillors to go on a course to better understand the Standards Framework, either because they do not believe that they need training, or because there is a perception that they do not have time to attend. As they are basically volunteers (the majority of councillors in smaller councils do not claim the £150 per year), it is impossible to force them to go on a course. In the case of one council, the clerk sends out an e-mail every month with information about relevant modules offered by One Voice Wales - modules about the Code of Conduct, induction sessions for new councillors, local government procedures and finance. These are held monthly, on-line. NO councillor has taken advantage of the offer. As this particular council belongs to One Voice Wales, the cost is only £35/councillor and the Council's precept includes members' training.

The general challenges is the willingness to attend and cost. In terms of training on the code of conduct, one session during the day and another in the evening, for 90 minutes.

For councils without a training budget, bursaries are available from the Welsh Government for two free places on each module for the year. The module on the code of conduct is one of the modules that benefit from this offer, which are held once a month.

There is an advantage, according to the clerks who take advantage of such opportunities to attend courses, is that everyone across Wales attends and it is an opportunity to meet and hear other people's experiences and this is important.

Recommendation 5: There is a need to know exactly what provision is available from One Voice Wales and to ensure that every Community Council is aware of this. Cyngor Gwynedd's Legal Unit

barely needs to provide any specific training but it would be useful if the Monitoring Officer and his team would be aware of what training is available and ask the clerks for an update on how many of their councillors have attended courses.

**Please note** - the allowances for town and community councillors are determined by the Independent Remuneration Panel for Wales and the councils have been halved in terms of their size, with allowances dependent on the Council's levels, the precept and the number of residents living there. The Town Councils in the highest tier can offer a fee for each meeting at their own discretion, with an additional fee for the Chair)

### **In your opinion what would make your life as a clerk easier?**

There was a sense that Community Councils were isolated and did not see that standards was an all-Wales subject. Some clerks reported that some councillors considered standards to be a local matter and that they were free to interpret the rules in their own way.

Recommendation 6: Consideration should be given to holding a seminar every two years or so, or halfway through the term, in order to highlight that a Community Councillor's role is one of responsibility and importance and that the Code of Conduct is a major part of that. The clerks saw that the Code of conduct was the foundation to everything they did and that it was important to underline that everyone in Wales followed the same code, not just them.

### **What type of support would be beneficial to you in the context of member conduct and in general?**

The relationship between the Community Council and the County Councillor became apparent in these answers. It was noted that a supportive County Councillor could be very advantageous, but there was also an example of a County Councillor that caused difficulties (and there were other examples in the past as well). When the relationship worked well, the Community Council received a brief from the Councillor about what was happening on a county level, and was able to follow up on matters in the County's responsibility. It appears that not every Elected Member receives the invitation to sit in at the meetings of the Town/Community Council meetings.

One of the clerks that had experienced difficulties appreciated the time of the Monitoring Officer as a neutral person who was educated in his subject and who had seen similar incidents over the years. The advice was useful, but the clerk was also aware that the capacity of the Officer and his team was scarce.

Some of the responses showed some frustration with Cyngor Gwynedd. Here is a quote of a response received to one question "I'm not sure what the 'service received' that you refer to actually is. If you are referring to a Cyngor Gwynedd service, I am afraid that I have to say "What service is available for Clerks from Gwynedd?", e.g. At the time of the May Elections, I sent e-mails and I tried to receive a response over the phone to questions on important points about arrangements - but I did not receive a sufficient response (or any response whatsoever). Fortunately, I was able to search on-line and see how other Councils in Wales were operating." There was some confusion in a few councils during the May Elections due to changes to the nomination process in

the main. One Clerk noted that he sent out a Good Councillor Handbook and Ombudsman Guidance to each of the Councillors for the Annual Meeting in May this year.

We assume that this was done due to the considerable conflict between members and a member of the County Council.

Recommendation 7: Training / instruction for Elected Members on their role within their community councils.

Recommendation 8: Ensure support in good time before things escalate as far as an official complaint in the first place and then ensure that capacity is there to support.

**Would you see the value in having a group that meets regularly so that clerks are able to discuss hot topics amongst themselves?**

This was a popular idea. A discussion already takes place amongst themselves for ideas, e.g. having a FB group for Gwynedd clerks would be handy. However, there is also recognition that clerks need to take ownership of this themselves as there is no funding or capacity available to bring a group together formally.

Many are a member of the UK clerks' group '[Society of Local Council Clerks](#)' - an informal group that acts as a forum to raise any subject - the Code of Conduct is a subject that arises often. There was a consensus that hearing the views of other clerks was incredibly useful. The group's membership rules note that the subjects should not be discussed outside the group and you must prove that you are a clerk before you can join. When you no longer work as a clerk, you must leave the group. There is no need to be a member of One Voice Wales or anything else to be a member of this group. It is very useful for the clerks of small councils and one clerk described the group as a 'lifeline' for them. Having a similar group in Gwynedd would possibly make more sense as the act is different in Wales - and it would be an opportunity to share what is happening here and Gwynedd's experiences, etc.

**What sources of advice and support is available for you as a clerk and as a council?**

One Voice Wales and the Society of Local Council Clerks were the two main sources with One Voice Wales being the starting point. Apparently, One Voice Wales do not answer the phone but they do respond to e-mails and the majority were happy with the support. The view was that it was easier to obtain an answer from One Voice Wales on general matters than from the County - mainly because there is not a sole contact in the county for the clerk. The majority had not had to ask for support in terms of standards. The satisfaction level depended on the seriousness of the complaint.

Recommendation 9: Encourage every council to join One Voice Wales

Recommendation 10: In general, the County Council to consider the relationship with Community Councils and ensure a single point of contact for the clerks - and ensure that the Monitoring Officer creates an operational connection with these individuals.

**A summary of the recommendations can be seen in Appendix 3**

## **5. Conclusion**

On the whole, there is room to celebrate that standards are well maintained in the Town and Community Councils but as identified by the Standards Committee, there are a few councils/areas that are cause for concern. These must be identified and efforts must be focused on supporting the clerks at these problematic councils.

The range of variety between the councils is challenging - some are large and others are exceptionally small. There is no one-size fits all solution available. There will be a need to be imaginative and to collaborate with the clerks and chairs to find ways to promote standards and ensure that problems are addressed before they escalate and become huge problems. This will not be easy because of the high threshold in terms of the freedom to express political views and the expectation that politicians must be thick-skinned.

The aim is to promote the 'golden rule' – do unto others as you would have them do unto you'. In other words, to promote an ethos of mutual respect.

## Appendix 1: Questions asked

For data protection reasons, only the responses to questions 5-13 are included in the report.

1. Name:
2. Community Council(s):
3. Salary:
4. When were you appointed:
5. Do you have a professional qualification?
6. Did you receive training before commencing in the post?
7. Are you confident that you understand the Standards Framework?
8. Are you confident that you know when a member should declare an interest?
9. If a member behaves in a way that you consider to be unacceptable, do you
  - a) know what to do to bring the meeting back onto the right track?
  - b) are you confident to challenge a member?
  - c) do you know where to go for support if things go wrong?
10. In your opinion what would make your life as a clerk easier?
11. What type of support would be beneficial to you in the context of member conduct and in general?
12. Would you see the value in having a group that meets regularly so that clerks are able to discuss hot topics amongst themselves?
13. What sources of advice and support is available for you as a clerk and as a council? What is your opinion on the quality of the service received? Have you had any experience of contacting One Voice Wales - if yes, did you receive a sufficient answer?

## Appendix 2. The Standards Committee's Letter to the Clerks

Annwyl Glerc

### Ymgynghoriad Pwyllgor Safonau gyda detholiad o Glercod Cynghorau Tref a Chymuned

Mae Pwyllgor Safonau Cyngor Gwynedd am ddeall yn well beth yw'r heriau sy'n wynebu Clercod Pwyllgorau Tref a Chymuned o ran cynnal safonau. Bydd y gwaith hwn yn helpu'r Pwyllgor i ddeall mwy am sut mae'r gwahanol gynghorau yn gweithredu a beth yw anghenion y clercod o ran derbyn cefnogaeth. Bydd y wybodaeth yma'n arbennig o werthfawr wrth i ni fynd ati i lunio hyfforddiant addas i gynghorau tref a chymuned ar y Cod Ymddygiad i Aelodau.

Cam cyntaf ein gwaith oedd penderfynu'n fras beth yw'r cwestiynau yr hoffem i chi ateb. Fel ail gam rydym wedi dethol trawstoriad o glercod sy'n cynrychioli gwahanol fathau o gynghorau cymuned i gael sgysiaid wedi eu lled-strwythuro gyda Cadeirydd y Pwyllgor Safonau a/neu Cynrychiolydd y Cynghorau Tref a Chymuned ar y Pwyllgor Safonau. Rydych chi yn un o'r detholion.

Gan ddiolch i chi o flaen llaw am eich cydweithrediad. Os bydd gennych unrhyw gwestiwn am y gwaith croeso i chi gysylltu gydag Sion Huws Rheolwr Priodoldeb ac Etholiadau neu e-bostiwch [sionhuws@gwynedd.llyw.cymru](mailto:sionhuws@gwynedd.llyw.cymru)

Yn gywir

Sion Huws

Sut byddwn yn defnyddio eich gwybodaeth

Mae'r Cyngor yn casglu'r wybodaeth yma i ddibenion ymchwil ynglŷn â'r heriau sy'n wynebu y Cynghorau Tref a Chymuned parthed safonau.

Caiff eich gwybodaeth ei gadw yn hollol gyfrinachol. Bydd adroddiad ar y canlyniadau (heb enwi unigolion na chynghorau unigol) yn cael ei gyflwyno i'r Pwyllgor Safonau. Ni fyddwn yn rhannu eich gwybodaeth personol gydag unrhyw sefydliad arall. I gael gwybod mwy am eich hawliau a manylion cyswllt Swyddog Diogelu Data'r Cyngor, ewch i'r wefan

<https://www.gwynedd.llyw.cymru/cy/Cyngor/Diogelu-Data-a-Rhyddid-Gwybodaeth/Diogelu-data-.aspx>

Dear Clerk

### Standards Committee Consultation with a selection of Town and Community Council Clerks

Gwynedd Council's Standards Committee is seeking to better understand the challenges facing the Town and Community Council Clerks. The work will enable the Committee to gain an insight into how the different councils operate and the kind of support required by the clerks. This information will be particularly useful as we develop appropriate training on the Code of Conduct for the Community and Town Councils

The first step of our work was to determine the scope of the questions we wish to be answered. The second step was to select a cross-section of clerks representing diverse Community Councils to participate in semi-structured interviews with the Chair of the Standards Committee and/or the Standards Committee representative of the Town and Community Council. You are one of the selected interviewees.

Thanking you in advance for your cooperation. If you have any questions about the proposed work please contact Sion Huws, Propriety and Elections Manager or e-mail [sionhuws@gwynedd.llyw.cymru](mailto:sionhuws@gwynedd.llyw.cymru)

Yours faithfully

Sion Huws

How we will use your information

The Council is collecting this information for the purpose of understanding the challenges associated with Standards in the Town and Community Councils.

Your information will be kept completely confidential. A report of our findings (without naming individuals or individual councils) will be presented to the Standards Committee. We will not share your personal information with any other organisation. To find out more about your rights and the contact details of the Council's Data Protection Officer, visit the website

<https://www.gwynedd.llyw.cymru/en/Council/Data-Protection-and-Freedom-of-Information/Data-protection-.aspx>

### Appendix 3: Summary of the recommendations

1. Need to ensure that every clerk receives baseline training/mentoring.
2. Town and Community Council chairs need more detailed training/job descriptions
3. It is noted that the Chair is responsible for challenging, the clerk's role is to advise the Chair. It should be ensured that the Chair and the clerk understand this.
  
4. There is a need to acknowledge the councils who are having difficulties and focus efforts on resolving the misconduct there before it gets too serious. There was a perception that the help available was weak - for example, a formal complaint was needed before anything could be done about it - instead of being able to call for swift and effective intervention.
5. There is a need to know exactly what provision is available from One Voice Wales and to ensure that every Community Council is aware of this. Cyngor Gwynedd's Legal Unit barely needs to provide any specific training but it would be useful if the Monitoring Officer and his team would be aware of what training is available and ask the clerks for an update on how many of their councillors have attended courses.
6. Consideration should be given to holding a seminar every two years or so, or halfway through the term, in order to highlight that a Community Councillor's role is one of responsibility and importance and that the Code of Conduct is a major part of that. The clerks saw that the Code of conduct was the foundation to everything they did and that it was important to underline that everyone in Wales followed the same code, not just them.
  
7. Training / instruction for Elected Members on their role within their community councils.
8. Ensure swift support before things escalate to an official complaint in the first place and then ensure that there is capacity available to support.
9. Encourage every council to join One Voice Wales
10. In general, the County Council to consider the relationship with Community Councils and ensure a single point of contact for the clerks - and ensure that the Monitoring Officer creates an operational connection with these individuals.

## **Appendix 2 – Observations by the Monitoring Officer**

I have considered the conclusions of the report in the context of the committee's statutory functions in relation to community councils under the Local Government Act 2000, which are:

### General functions

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct.

### Specific functions

- (a) advising the authority on the adoption or revision of a code of conduct,
- (b) monitoring the operation of the authority's code of conduct, and
- (c) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

It is a welcome finding that there were few cases of misconduct and that most reported that the relationship between members was harmonious. It is easy to get the wrong impression of the nature and extent of the problem as individual cases often require significant time and resources to resolve, and as we tend only to become involved in situations where problems exist.

## **The Importance of the Role of the Clerk and the Chair**

(Recommendations 1,2,3 & 7)

The Clerk is usually the only paid officer and his/her duties extend across all the council's activities. An effective clerk together with a Chair who can offer support is central to ensuring strong governance. The wider context cannot be ignored when looking at members' behaviour, and a number of factors can combine to create a situation where there is ill-feeling within the council, which in turn can lead to allegations of breaches of the Code. In our experience, weaknesses in governance is often an element which, even if it does not create the situation, then can make it more complicated and difficult to resolve.

As a result, elements related to governance were included in the last training sessions held with community councils. This was also one of the reasons why clerks and chair and vice-chairs were specifically invited.

The difficulty that clerks have in getting some members to understand the relevance and implications of the provisions of the Code on personal interests is noted, and is therefore one of the specific issues that could be addressed when presenting the training.



The code however remains the focus, and training on responsibilities beyond the Committee's remit would be more appropriate for bodies such as One Voice Wales, the Welsh Government and the WLGA.

However, it is a welcome finding that there were few cases of misconduct and that most reported that the relationship between members was harmonious. It is easy to get the wrong impression of the nature and extent of the problem as individual cases often require significant time and resources to resolve, and as we tend only to become involved in situations where problems exist.

### **Early Local Resolution**

(4&8)

There is no doubt that an arrangement whereby problems can be resolved locally before they escalate would be very beneficial. This is of course one of the recommendations in the Penn Report. However, it is clear that Monitoring Officers across Wales do not have the staff or resources to provide this type of support. This message has been clearly communicated to Welsh Government Officers and has been reflected in the Standards Committee's comments on Penn report.

It is not clear what is meant by saying that there *"was a perception that the help available was weak"* in recommendation 4. Is this a reference to the fact that there are no methods of dealing with complaints other than formally submitting them to the Ombudsman, or to the quality of support provided? As stated above, neither the Monitoring Officer nor his staff are in a position to investigate complaints. If it refers to a lack of advice and support that has been offered (see below) then it is necessary to explain further where the criticism is aimed? One Voice Wales, the Ombudsman, Gwynedd Council?

### **Training on the Code of Conduct**

(5, 6)

Knowing what training is available to members of community councils on the code of conduct from other bodies such as One Voice Wales is essential considering that it is the statutory function and responsibility of the Standards Committee to provide or organise the provision of such training.

The clerks' experience of some members' reluctance to attend training courses reflects our experience of hosting sessions over the years. The intention is to look at virtual new methods of delivering training that make it easier for members to attend. This is again an issue that is under consideration as a result of the Penn report with resources once again being a challenge.

## **Liaison between the city council and the community councils**

(10)

It is noted that there is uncertainty and a lack of understanding regarding the relationship between the county council and the community councils. It is not entirely clear if this directly refers to the Code of Conduct or whether it is meant more generally.

Community councils are autonomous bodies that are completely independent from the county council. This is a fundamental point regarding their governance. While we recognise that the role of the clerk can be a difficult and lonely one, we must also bear in mind that it is not the county council's responsibility to provide support to clerks, except where specifically provided for in statute. However, despite this, advice and support are provided readily and regularly to clerks who require informal legal advice or support whatever the field. Feedback suggests that this is appreciated.

As far as members of the community council who are also councillors are concerned, is there a suggestion that members are using their status as county councillors in an inappropriate manner or that they have trouble distinguishing between the two roles? If they are not a member then they are present at the invitation of the community council only with no more basic rights than any member of the public in terms of participation. The convention however is that they are allowed to contribute to the discussion offering information and perspective as a member of the county council. This however would be for the individual Council to arrange with the local member, not the County Council. County members can bring valuable information and perspective to the discussions of the community council but if there are code of conduct implications then these could be addressed in training.

Contact arrangements are in place between the County Council and the councils in relation to specific areas of work, including the Code of Conduct as stated above. If in doubt the Council's contact centre, Galw Gwynedd would be able to put clerks in contact with the relevant department. Employing an officer to act as a general point of contact would have substantial resource implications and would be a corporate matter for the authority.

[details to follow regarding what arrangements are in place

But how does it apply to code of conduct issues?