

## **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.

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### **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?