

The Vale of Glamorgan Council

Community Liaison Committee Meeting: 29th January 2019

Report of the Managing Director

Town and Community Councils Charter

Purpose of the Report

1. To provide the Committee with an update on the discussions of the working group to review the Town and Community Councils Charter and to present a draft Charter for the Committee's consideration.

Recommendations

1. That the Committee notes the content of this report and the appendices.
2. That the Committee considers the draft Charter at Appendix A in order to inform the development of a final draft.
3. That the Committee considers in due course, a final draft of a revised Charter and associated Action Plan.

Reasons for the Recommendations

1. To provide the Committee with an opportunity to consider the Town and Community Councils Charter.
2. To inform the development of a final draft of the Town and Community Councils Charter.
3. To provide the Committee with an opportunity to consider a final draft of the Charter and an associated Action Plan to ensure the principles and commitments set out are achieved.

Background

2. The Vale of Glamorgan Council and Town and Community Councils (TCCs) in the Vale of Glamorgan set out the way in which these organisations would work together in a Charter. Originally drafted in 2009 and revised in 2013, the Charter is based on a series of principles and commitments that describe how the organisations will work together in the interests of the communities we serve. The current Charter follows a model published by the Welsh Government.
3. At the Community Liaison Committee meeting of 3 July 2018, it was agreed that a working group would be established to review the current Charter and propose any

updates, reflecting the changing environment and way in which the organisations are now working. The working group has met on two occasions to discuss the development of a revised draft.

4. It is recommended that Committee consider the draft of the revised Charter (Appendix A) and provides feedback to inform the development of a final draft of the Charter.
5. It is intended that following the Committee's meeting, the draft Charter will be distributed to all TCC clerks, inviting any further feedback by 28th February 2019. In the interim, the working group will be reconvened to develop a draft Action Plan to progress the commitments and principles contained in the Charter for the next year. Once feedback is received from TCCs and the Action Plan has been developed, the Charter will be finalised and reported to the Council's Cabinet for endorsement. The Charter will then be cascaded to all TCCs and promoted within the Vale of Glamorgan Council.

Relevant Issues and Options

6. The context within which the organisations are now operating has changed significantly since the Charter was developed and revised.
7. The ongoing period of budget reductions has changed the way in which the Vale of Glamorgan Council provides services and the Committee is regularly updated on the progress of the Reshaping Services Programme. The Committee will note the ongoing budgetary pressures within each of the partner organisations. The recently approved protocol for the operation of assets and services by TCCs that was discussed at the meeting of the Committee in July 2018 and subsequently approved by the Vale of Glamorgan Council's Cabinet has sought to provide a framework to support the development of proposals by TCCs.
8. The legislative environment has also changed markedly since 2013, notably with the introduction of the Well-being of Future Generations Act. The Act applies to the Vale of Glamorgan Council and three of the TCCs specifically, with other TCCs required to work within the spirit of the legislation. The Act places a duty to exercise the Sustainable Development Principle through five ways of working and these should guide decision making and the activities of public bodies.
9. The Welsh Government has also established an Independent Review Panel for Town and Community Councils. The Panel has recently published its initial findings and recommendations (a link to which is provided in the background papers to this report). The Welsh Government is to consider these findings and recommendations in due course. The working group discussed keeping a 'watching brief' on this agenda, but agreed to progress the review of the Charter so as not to delay this process, with any further refinements being made at a later date.
10. As reported to this Committee in October 2018, there are a number of proposed changes to the Charter which have been reflected in Appendix A. The Committee will note that Appendix A provides only the sections of the Charter which relate to the principles and associated commitments. It is intended that the final draft will contain an introduction as well as information relating to the way in which the Charter will be delivered, monitored and reviewed, including an Action Plan.
11. Following discussion, the working group and Committee have agreed to rationalise the number of principles contained within the charter from 14 to 8, through a process of combining (and in some cases, renaming) principles as follows:

Current Principle	Proposed Principle
1 - Recognition	1 - Recognition
2 - Local Governance	2 - Governance (incorporating commitments previously contained in Local Governance and Ethics principles).
3 - Consultation	3 - Involvement, Engagement & Consultation
4 - Information & Communication	4 - Information & Communication
5 - Joint Working & Engagement	5 - Joint Working & Engagement (incorporating commitments previously contained in Joint Working & Engagement, Practical Support, Capacity, Financial Arrangements and Delegating Responsibility for Service Provision principles).
6 - Land Use Planning	6 - Land Use Planning
7 - Practical Support	
8 - Capacity	
9 - Ethics	
10 - Financial Arrangements	
11 - Community Strategy	
12 - Delegating Responsibility for Service Provision	
13 - Sustainability	7 - Well-being of Future Generations (incorporating commitments previously contained in Sustainability and Community Strategy principles).
14 - Local Elections	8 - Local Elections

12. The current version of the Charter contains several areas which overlap and it is intended that the streamlining of the principles and commitments as described above will help to simplify and focus the Charter.
13. In addition to the 'structural' changes described above, the working group also considered other changes to the Charter as follows:
- Governance: A commitment has been included to reflect the identification and appointment of representatives from the TCC sector on key groups and boards, for example, the Public Services Board.
 - Involvement, Engagement and Consultation: This principle has been broadened to reflect the working group's discussion of the need to involve, engage and consult with partners as early as appropriate when developing proposals. The working group recognised that in some instances these arrangements are governed by legislation but that the Charter should set out the ambition as to how this process should operate.
 - Information and Communication: A commitment for partners to communicate the contents of the Charter to relevant staff and Elected Members has been included as the working group felt this was a key to ensuring its successful delivery.

- Joint Working and Engagement: Commitments have been included to reflect the establishment of the Reshaping Services Programme and relevant developments, for example, the protocol for the operation of services and assets by TCCs.
 - Well-being of Future Generations: This principle has been created by combining the previous Sustainability and Community Strategy principles. The opportunity has also been taken to update the commitments to reflect the Well-being of Future Generations Act duties, the operation of the Public Services Board and the role of the Well-being Assessment and Well-being Plan.
14. The working group discussed the involvement of TCCs in land use planning processes. The Operational Manager (Planning) met with the working group and a series of additions/changes have been made to this section of the Charter following the discussion. Following consideration of this report by the Committee, it is intended to reconvene the working group to discuss the contents of the Action Plan to pursue the commitments contained in the Charter. At the September 2018 meeting of the working group, some initial areas for potential inclusion in the Action Plan were discussed including exploring the sharing of access to services (e.g. Welsh translation) that will be further worked on in due course.
 15. Once feedback is received from TCCs and an Action Plan has been developed, the Charter will be finalised and reported to the Council's Cabinet for endorsement. The Charter will then be cascaded to all TCCs and promoted within the Vale of Glamorgan Council.

Resource Implications (Financial and Employment)

16. There are no direct resource implications associated with this report. The Charter sets out the context and processes involved in making decisions relating to service delivery and resources.

Sustainability and Climate Change Implications

17. The work of the Community Liaison Committee through the Charter between the Vale of Glamorgan Council and TCCs is consistent with the principles of the Well-being of Future Generations (Wales) Act (2015). The way the Councils work together is an important facet of the Council's Reshaping Services Programme and contributes to the overall delivery of the Corporate Plan. The draft Charter proposes a specific principle relating to the Well-being of Future Generations Act which seeks to ensure the duty and spirit of the Act are furthered as the Councils work together.

Legal Implications (to Include Human Rights Implications)

18. There are no legal implications directly associated with this report.

Crime and Disorder Implications

19. There are no crime and disorder implications directly associated with this report.

Equal Opportunities Implications (to include Welsh Language issues)

20. There are no equal opportunities implications directly associated with this report.

Corporate/Service Objectives

21. The partnership between the Councils contributes to the achievement of the Vale of Glamorgan Council's Corporate Plan and is consistent with the Council's vision,

values and Well-Being Outcomes. Working with the TCC sector is also an intrinsic part of the Reshaping Services programme.

Policy Framework and Budget

22. This is a matter for Executive decision by Cabinet.

Consultation (including Ward Member Consultation)

23. The Committee's consideration of this report (and subsequent outputs) is intended to involve the sector and Elected Members in the process of reviewing the Charter as described above.

Relevant Scrutiny Committee

24. Corporate Performance and Resources Scrutiny Committee.

Background Papers

Town and Community Councils Charter, Community Liaison Committee, 17th October 2018

https://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/minutes,_agendas_and_reports/reports/community_liaison/2018/18-10-17/TCCs-Charter.aspx

Outline Findings and Recommendations, Independent Review Panel on Town and Community Councils

<https://gov.wales/docs/dsjlg/publications/localgov/180807-independent-review-panel-en.pdf>

Contact Officer

Huw Isaac, Head of Performance and Development

Officers Consulted

Head of Finance
Operational Manager, Policy and Performance

Responsible Officer:

Rob Thomas, Managing Director

Town and Community Councils Charter

NB: The following is a draft of the Principles and Commitments of the Town and Community Councils Charter following discussions at the working group and Community Liaison Committee. Based on the feedback from the Committee, this will be used to produce a finalised version of the Charter that will also contain an introduction. The working group will be reconvened to discuss and develop the accompanying action plan.

Principle 1: Recognition

We accept the legitimacy and benefits of partnership working whilst at the same time recognising and respecting each other's roles. We aim to work together as a partnership of equals rather than tiers.

The Vale of Glamorgan Council	Town and Community Councils
Acknowledges and recognises that Town and Community Councils (TCCs) are the grass roots level of local government. In their role as democratically accountable bodies, TCCs offer a means of engaging with local people, of decentralising the provision of certain services, and of revitalising local communities.	Recognise the strategic importance of the Vale of Glamorgan Council as a democratically accountable body and the economy of scale and equitable distribution of certain services they are able to achieve.
Recognises and respects the diversity of community and town councils and that their needs vary according to size, and the extent to which they participate also varies.	
Recognises the principle of subsidiarity (whereby activities are undertaken at as local a level as makes sense to do so from an economic as well as service delivery perspective) as a desirable goal.	Recognises the principle of subsidiarity as a desirable goal.

Principle 2: Governance

We will be clear about the expectations that we have of each other in order to facilitate an effective working relationship. In this regard, we will define the way in which we interact with each other. We will be clear about the role of Councillors at all levels in the relationship and in community leadership.

The Community Liaison Committee meets quarterly. One representative, or nominated substitute, attends from each TCC and from any other organisation considered appropriate, along with thirteen unitary Councillors, to discuss local government matters of mutual concern. The Committee provides comments and makes recommendations to the appropriate decision-making body. We will provide an ethical service to local people,

following the appropriate standards and Codes of Conduct. We will encourage links between TCC Clerks and the Vale of Glamorgan Council Standards Committee.

The Vale of Glamorgan Council	Town and Community Council
Will hold quarterly Community Liaison meetings with representatives of all TCCs that wish to take part.	Will contribute towards the agenda of Community Liaison meetings and contribute proactively to attendance and discussion.
Will share agenda papers and minutes of Council meetings (including Cabinet, Scrutiny and other Committees) electronically.	Will share agenda papers and minutes with interested officers and Councillors when appropriate by electronic means.
Will appoint a nominated member of staff to be a liaison officer between the Vale of Glamorgan Council and TCCs.	Will contact the nominated officer on the agreed issues and make them aware of any difficulties being encountered.
TCC Councillors / officers (as appropriate) will be formally represented on key local partnerships and committee meetings. The Vale of Glamorgan Council will seek to ensure that these arrangements are regarded as suitable and sufficient.	TCCs Councillors/officers (as appropriate) who take part on key partnerships will ensure that they represent the views of all TCCs and will provide feedback to them on key issues.
Councillors/officers will strive to attend TCCs Council meetings as appropriate.	Will invite Councillors/officers of the Vale of Glamorgan Council to meetings as appropriate and will provide a space on its meeting agenda for presentations.
Will administer the holding of TCC elections.	Will notify the need for elections in a timely manner.
Will provide opportunities for nominee(s) to join key groups or boards, for example the Reshaping Services and the Public Services Boards.	Will identify and appoint nominee(s) for key groups or boards, for example the Reshaping Services and the Public Services Boards.
Will, through the appointed Monitoring Officer, support TCCs in the timely consideration and provision of advice in relation to the application of the Members' Code of Conduct.	Will act in an appropriate manner under the Code and will provide all such information as required by the Monitoring Officer to enable him/her to carry out his/her function effectively.

None of the principles in this Charter would prevent other meetings being held when appropriate on any matters of mutual interest.

Principle 3: Involvement, Engagement and Consultation

We will work together to involve our respective organisations and our communities in decision making at appropriate stages, through the processes of involvement, engagement and consultation. We appreciate the importance of meaningful involvement, engagement and consultation and set out a genuine commitment among all parties to consult on matters of mutual concern. We will agree clear, specific and time limited procedures and processes to support these activities.

The Vale of Glamorgan Council	Town and Community Councils
To actively promote involvement, engagement and consultation activities being undertaken to maximise their reach and impact.	To actively promote involvement, engagement and consultation activities being undertaken to maximise their reach and impact.
Will aim to give TCCs the opportunity to comment before making a decision that affects the local community.	TCCs will respond to consultation opportunities in a timely manner, addressing the key issues in the consultation document.
Will make available copies of its public reports (Cabinet, Scrutiny and other committees, Council, etc.); will advise Clerks of the dates of its public meetings; and will make copies of its agendas available on the Council's website as soon as possible.	Will make full use of the papers available to them to inform local decision-making.
Only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given on request.	Acknowledge that in some circumstances the time scales set for receipt of comments on consultation documents are imposed externally and are occasionally very short. It may be that to meet deadlines, especially on major issues, it will be necessary for TCCs to hold a special meeting.

Principle 4: Information and Communication

We appreciate the need for timely, clear and relevant information and communication in fostering good relationships and better joint working for the benefit of local people.

The Vale of Glamorgan Council	Town and Community Councils
Will provide to TCCs a list of named contacts, telephone numbers and where possible e-mail addresses.	Will utilise the agreed contact points and respond in the most appropriate and timely method.
Will communicate by providing sufficient numbers of documents for Members of TCCs.	Will ensure that all TCC Councillors have access to the appropriate documents.
Will communicate the Charter to relevant Council staff and Elected Members.	Will communicate the Charter to relevant Council staff and Elected Members.

Principle 5: Joint working and engagement

The Charter defines 'Partnership' as working together towards a common set of goals, based on equality in terms of ownership, decision-making and recognition of each party's distinctive contribution. An equal and effective partnership brings benefits and responsibilities to all those involved. Local government at both tiers must work together to promote the economic, cultural social and environmental well-being of our area. If doing

Draft Town & Community Councils Charter: Principles & Commitments

things differently achieves a better and more sustainable service, we will seriously examine these methods. In order to be effective, Elected Members and officers must be well-trained and have the support they need to carry out their roles. We will encourage continuous development of officers and Members in both Vale of Glamorgan Council and TCCs, either in their individual groupings or together. Capacity building leads to professionalism and more effective joint working. Both the Vale of Glamorgan Council and TCCs recognise the need for clarity and transparency in financial arrangements. In developing and implementing financial arrangements, relevant national and local priorities will be taken into account.

The Vale of Glamorgan Council	Town and Community Councils
Will provide opportunities for Clerks of TCCs to meet to discuss common concerns and resolve issues.	Will encourage participation by Clerks in opportunities to network and share common concerns.
Will give due consideration to devolving services that would provide better value for money and/or enhanced services.	Will be clear about how any devolvement of services will provide better value for money and/or enhanced services.
Will promote opportunities to work jointly with TCCs to communicate and consult with local people and communities.	Will identify opportunities to work with the unitary Council to communicate and consult with local people and communities.
Will be clear about how devolved services can be discussed and agreed in line with the principles set out in the Cabinet report agreed in July 2018 regarding the operation of services and assets by TCCs.	Will use the processes agreed in July 2018 regarding the operation of services and assets by TCCs if there is a wish to progress devolved services.
To provide information to inform business case development and assist in the preparation of proposals for joint working initiatives.	To use information and engage with the Council in the development of business cases and proposals for joint working initiatives.
Will give due consideration to all reasonably argued cases for the delegation of service delivery to TCCs, basing its consideration primarily on the improvement of service delivery for citizens whilst ensuring value for money.	Will recognise that there are certain instances where it is not appropriate or desirable for the Vale of Glamorgan Council to delegate service delivery.
Where it is not appropriate or desirable to delegate service delivery, the Vale of Glamorgan Council will seek ways in which local information from communities might be used to enhance service delivery to better meet citizen needs.	Will engage with the citizens in the communities they serve to understand better their needs and convey these needs in a coherent and constructive manner to the Vale of Glamorgan Council, such that they can be taken account of in service design and delivery.
Will, where practical, offer TCCs access to support services, to enable them to take advantage of facilities such as printing, IT, legal services, personnel services, purchasing at a mutually agreed price.	Will follow procedures set out to access the Vale of Glamorgan Council's support services.
Assistance will be offered in identifying and	Will ensure that Councillors and Clerks are

helping to meet the training needs of TCCs.	trained to undertake their role effectively.
Will offer Member Induction Training to TCCs Councillors to enable them to understand the role and function of the Vale of Glamorgan Council.	Will provide an induction to newly elected Councillors to enable them to undertake their role effectively.
Will provide service-specific support materials and training as appropriate, subject to resources being available.	Will provide an induction to new Clerks to enable them to undertake their role effectively.
In setting the level of Council Tax for the area, will have regard to services being delivered by TCCs in its area, and the funding thereof. This will be with a view to avoiding double-taxation.	In setting the annual precept, shall have regard to the plans for service delivery of the Vale of Glamorgan Council for the coming year.

Principle 6: Land Use Planning

TCCs know and understand their local area and must be able to comment effectively on planning matters. The Vale of Glamorgan Council must take an overview of the needs of the whole local area and make decisions, taking local views into account.

The Vale of Glamorgan Council	Town and Community Councils
Will uphold its statutory duty to consult TCCs on all planning applications in their communities.	Will make appropriate responses to the Vale of Glamorgan Council recognising the parameters imposed by planning law and agreed planning policy.
Will invite representatives from a TCC to attend and observe at Planning Committee site visits relating to planning applications in its area.	Will ensure that Councillors receive training on planning issues and have a sound understanding of how planning law works.
Make it clear in the guidance on Speaking at Planning Committee that the TCC representative will have their own individual slot to speak on matters relating to their area. Where there are cross boundary applications, representatives from each area will have speaking time at the Committee.	Will progress any further clarification with the Council officers concerned.
Will ensure that TCCs are notified of decisions made on applications relevant to their area, and will respond to requests for further clarification where requested to do so.	Will use the Council's online Planning portal.
Will continue to consult TCCs on policy matters, including the community engagement strategy associated with the Local Development Plan, including new	Will maintain an objective and professional approach to planning matters at all times.

Supplementary Planning Guidance Documents.	
Will engage with those TCCs wishing to adopt Place Plans and adopt them as Supplementary Planning Guidance where they accord with the relevant legislation and policy, including the Local Development Plan.	If there is local desire to do so, will prepare Place Plans that accord with the relevant legislation and policy as appropriate.
Will have regard to comments received in relation to Section 106 matters when assessing planning applications and implementing Section 106 spend in local communities.	Will include comments on planning obligation (Section 106) requirements when commenting on major planning applications having regard to the policy / legislation governing these.
Will publish annual Section 106 reports setting out receipts and spend for local transparency.	Will liaise with the Council's Section 106 Officer and Local Ward Members about Section 106 implementation.
Will arrange for TCCs to receive an annual briefing opportunity regarding planning applications and material considerations.	Will attend the annual briefing on planning to ensure understanding and communication between the organisations.

Principle 7: Well-being of Future Generations Act

We will work in ways that are sustainable, reconciling the long-term needs with those of the present and protecting and improving the quality of life of current generations without compromising the quality of life of future generations. In our work we will reflect the Well-being of Future Generations Act by considering the way our work contributes to the national well-being goals and that we can demonstrate the sustainable development principle through the five ways of working. We recognise the strategic importance of the Vale of Glamorgan Well-being Plan as published by the Public Services Board as the overarching strategic vision and priorities for the local area. Furthermore, we recognise that the Well-being Plan will only be fully effective if it is informed by the grass roots experiences from within our communities.

The Vale of Glamorgan Council	Town and Community Councils
Will engage with TCCs regarding how the Council and the Public Services Board can maximise contributions to the national well-being goals.	Will engage with the Vale of Glamorgan Council and the Public Services Board to support activities which will contribute to the delivery of the national well-being goals.
Recognises that the Well-being of Future Generations Act places a number of duties on some TCCs and will work with Councils to assist them in delivering their duties under the Act.	Will work with the Vale of Glamorgan Council and the Public Services Board to contribute where appropriate to the delivery of their well-being objectives.
Will assist TCCs with information on sustainable practices.	Will proactively assess the sustainability of current practices and processes.
Will assist TCCs to adopt electronic working to achieve improved communication and to	Will work towards adopting electronic methods of working wherever feasible to

reduce waste.	achieve improved communication and to reduce waste.
Will outline how the Vale of Glamorgan Council is actively pursuing sustainable development.	Will outline how the TCCs are actively pursuing sustainable development.
Will involve TCCs in the development of the Well-being Plan.	Will contribute to the development of the Well-being Plan in its development stage.
Will involve TCCs in the implementation of the Well-being Plan.	Will participate in the partnership monitoring the implementation of the Well-being Plan.

Principle 8: Local Elections

Fair and open elections are the bedrock of local democracy. We will ensure that elections are freely and fairly contested, and encourage local people to become involved in local democracy.

The Vale of Glamorgan Council	Town and Community Councils
Will involve TCCs in the local election planning process.	Will encourage participation in the local election process by members of the local community.
Will involve TCCs in any awareness raising/ publicity to encourage nominations for candidacy at local elections.	Will ensure wide publicity of vacancies on TCCs to maximise community representation.
Will help to publicise forthcoming local elections on behalf of TCCs.	Will facilitate public participation at all relevant meetings of the Council and its Committees to encourage community involvement.
Will brief TCC Clerks on the nomination process so that they are equipped to assist any potential candidates who come forward for local elections.	
Will provide help and assistance with the local election legal and administrative processes and procedures.	

Action Plan

This Charter will be supported by the development of an action plan addressing each of the individual topics contained herein. The action plan will be developed on a joint basis and shall attribute responsibilities to each partner. Actions will be accompanied by a timescale and will be reported on six-monthly during the year concerned.

The Vale of Glamorgan Council	Town and Community Councils
Will nominate a lead officer for the development and monitoring of the action plan.	Will collectively agree priorities for inclusion in the action plan.
Responsible officers of the Vale of Glamorgan Council will have due regard to the action plan and include relevant actions in their service plans for the year.	Will undertake to implement all actions relevant to them coming from the action plan.

Monitoring and Review

The Charter will be fully reviewed following local elections, or more often if there is a need to do so. The Community Liaison Committee will measure progress annually in achieving the measures set out in the Charter through the setting and reviewing of actions contained in an action plan. The Community Liaison Committee can recommend the need for a mid-term review of the Charter if appropriate.

The Vale of Glamorgan Council	Town and Community Councils
Will arrange for the Charter to be reviewed when appropriate.	Will actively contribute to the review of the Charter.
Will arrange for the development of an action plan linked to the Charter.	Will actively contribute to the development and delivery of the Charter action plan.
Will actively contribute to achieving the action plan.	Will actively contribute to achieving the action plan.