



Llywodraeth Cymru
Welsh Government

Independent Review Panel on Community and Town Councils in Wales

Final Report



Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Foreword

Dear Cabinet Secretary

In June last year the then Cabinet Secretary for Finance and Local Government, Mark Drakeford AM, asked us to be part of, and lead an independent review on the future role of Community and Town Councils in Wales. We are pleased to present our final report and recommendations to you.



Over the last year, we feel we have delivered a truly evidence based review, with over a thousand points of contact with stakeholders. This included over 800 responses to our dedicated surveys, of which over 100 were from young people.

We have heard a variety of views ranging from across Wales. In some cases, there was a general consensus reached around some topics of discussion. For example, many responses agreed that the key role of Community and Town Councils is that they are democratically accountable and operate at a very local level. As expected, in relation to some topics, some responses were polarised. For example, there were strong views both in favour of, and against councillors serving on more than one council, whether training for councillors should be mandatory and the role of party politics within a Community or Town Council.

Our findings and recommendations have been shaped by these views and, in some cases, may seem radical. We know that whilst we can learn from the past and only deal with the present, we have a role to prepare Community and Town Councils for the future. We believe that if we are to succeed in improving the well-being of future generations, Community and Town Councils have a vital role in contributing towards this – and should be recognised.

We are grateful to our Panel members for the conscientious and constructive way they have undertaken their responsibilities. We also wish to acknowledge the excellent secretariat support we received from the dedicated Welsh Government team, consisting of Claire Germain, Laurie Davies and Lisa Aspinall. We want to take this opportunity to again thank the sector, key stakeholders and the general public for their involvement and the constructive responses received to the Review. Without the help and support we received over the last year, we believe we would not have been able to come to the evidence based conclusions that we have.

Yours sincerely

Gwenda Thomas
Co-Chair

Rhodri Glyn Thomas
Co-Chair

Introduction: Community and Town Councils in Wales

Community and Town Councils are the grassroots level of local governance in Wales. There are over 730 Community and Town Councils throughout Wales, but not every community in Wales has one.

Community and Town Councils are accountable to local people and have a duty to represent the interests of the different parts of the community equally. Some represent populations of fewer than 200 people, others populations of over 45,000 people.

Commissioning of an Independent Review

The Independent Review Panel was established in July 2017 by the then Cabinet Secretary for Finance and Local Government, Mark Drakeford AM.

We were established to:

- explore the potential role of local government below Local Authority councils, drawing on best practice
- define the most appropriate model(s)/structure(s) to deliver this role
- consider how these models and structures should be applied across Wales. This will include consideration of any situations in which they would not be necessary or appropriate.

We were given a deliberately broad remit, with the scope to be radical if necessary.

The review is strongly supported by the current Cabinet Secretary for Local Government and Public Services, Alun Davies AM who confirmed the scope to be radical in finding the best and right solution for Wales.

We were appointed to ensure political balance across the four main parties in Wales and two individuals appointed through an expression of interest process for their expertise and experience of Community and Town Councils or wider community representation or activism. We all also have our own personal experiences of Community and Town Councils whether that's from being a councillor, clerk or attending and working with Community and Town Councils.

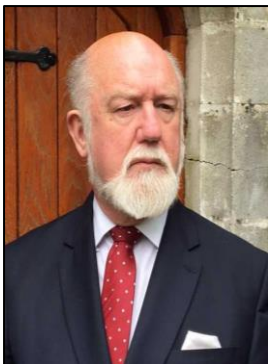
Who we are



Gwenda Thomas (Co-Chair) –
Representing Welsh Labour



Rhodri Glyn Thomas (Co-Chair) –
Representing Plaid Cymru



William Graham
– Representing
the Welsh
Conservative
Party



Councillor Kathryn
Silk –
Representing
Welsh Liberal
Democrats



Jessica Morgan –
Representing
Community
Development
working with the
Pembrokeshire
Local Action
Network for
Enterprise and
Development



Edward Humphreys
– Town Clerk for
Newtown and
Llanllwchaiarn
Town Council, and
Clerk to the Council
for Churchstoke
Community Council

The work of the Panel

Between September 2017 and February 2018 we met on a monthly basis. During these meetings, we undertook broad exploration into the key role of Community and Town Councils in Wales as well as developing an understanding of the sector and the challenges it faces. We received oral and written evidence from key stakeholders in the sector, as well as from Community and Town Councils themselves. During the latter stages of these meetings, we moved towards targeted / thematic exploration of key features of a Community and Town Council and used meetings to formulate our early thinking. This was supported by evidence gathering through our suite of engagement (set out in the chapter below).

Since February 2018, we focussed our efforts on targeted engagement and evidence gathering, concentrating on the areas we knew needed more information. We continued to formulate and test our early thinking, as well as using the evidence we gathered to develop outline findings and form recommendations. Our emerging recommendations were submitted to the Cabinet Secretary for Local Government and Public Services on 17 July 2018.

As we progressed through the review, our findings and emerging recommendations fell naturally into four themes:

- **What Community and Town Councils are:** including tackling the big questions such as whether Community and Town Councils should exist, coverage and types of Community and Town Councils.
- **What Community and Town Councils do:** looking at aspects of the role such as Local Delivery, Powers and Flexibilities, Local Voice and Identity, and Community Engagement.
- **How Community and Town Councils do it:** exploring Capacity and Capability, Staffing, Funding, Expert Advice, Role of a Councillor and the Relationships Community and Town Councils have with other bodies.
- **How Community and Town Councils are held to account:** considering Democratic Accountability, Diversity, Audit, Independent Scrutiny and Support / Intervention.

Our findings and recommendations should be considered as a package. We believe all these things need to happen at one time to have the intended outcome. Our emphasis has been on how we can encourage and enable change from within, rather than prescribing and imposing.



My Community My Council

An Independent Review Panel has been set up to consider the future role of Community and Town Councils.

Get Involved!
A pop-in session is being held on:

Date: 24 May 2018
Time: 2-4pm
Place: Lwmbor Community Council

Come along and share your views

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Get Involved!

We would like to hear from you!
How could your Community and Town Council best serve your community? Please take this short survey by visiting:
<http://gov.wales> (search Community and Town Councils)
twitter.com/WG_Localgov
[#MyCommunityMyCouncil](https://www.facebook.com/MyCommunityMyCouncil)

- Community and Town Councils are the grassroots level of local governance in Wales.
- The job of your council is to represent the interests of the whole community – and to represent the interests of different parts of the community equally.
- Community and Town Councils can use their legal powers to provide many services from community centres to buses. They also provide services in partnership with other bodies.

Ein Cymuned Ein Cyngor

Ein Panel Adolygu Annibynnol wedi ei sefydlu i ystyried rôl Cyngorau Cymuned a Thref yn y dyfodol.

Cymryd rhan!
Cynhelir sesiwn gŵyl heb ar: A pop-in session is being held on:

Yrŷdau/Date: **TODAY**
Amser/Time: **10-1pm + 4-7pm**
Lle/Place: **Council Chamber**

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Helpu i lunio dyfodol cyngorau cymuned a thref.

Rhannu eich barn #EinCymunedEinCyngor

Help shape the future of community and town councils.

Share your views #MyCommunityMyCouncil

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Engagement: What you've told us

To support our work, we undertook a suite of engagement to seek evidence and gathers views from Community and Town Councils, key stakeholders and communities themselves.

How we engaged

We targeted our engagement in four groups:

- with Community and Town Councils and key stakeholders
- with Local Authorities
- with members of the community and
- with children and young people.

In October 2017, to kick start our engagement campaign, we issued a formal call for evidence to all Community and Town Councils in Wales. This was also sent to all stakeholders with an interest in the sector. A full list of stakeholders involved in the review can be found in our full Engagement Report (at Annex B).

In order to keep Community and Town Councils up-to-date on our progress, we developed a Review Newsletter on a bimonthly basis. Our call for evidence was supported by four online surveys, targeted at the engagement groups identified and bespoke questions were developed. The online surveys were publicised through the Welsh Government website and were also shared by stakeholders.

To ensure everyone had the opportunity to share their views, we developed a series of engagement events. As Panel members, we also took it upon ourselves to visit Community and Town Councils, collectively and individually, to encourage engagement with the review and to hear individual council's views on the future of the sector.

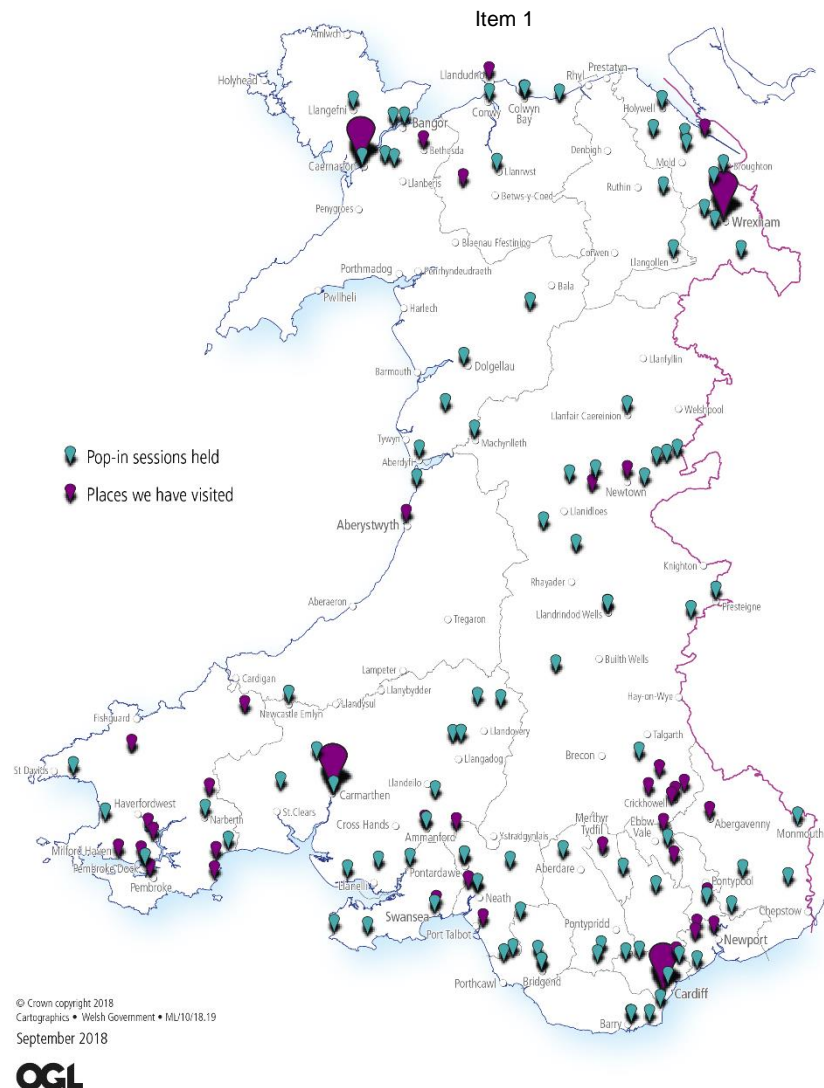
Our large events were open to all, including members of the public, but were mainly attended by stakeholders from the sector itself. Five events were planned for March 2018 but like everyone else across Wales, we could not control the weather! Our planned event for Dolfor, Newtown was snowed off at the start of March...and again mid-March. We decided not to reschedule the event, but made sure those who were due to attend the mid-Wales event had the opportunity to share their views through other avenues.

In addition to our larger events, we also held two drop in sessions for Community and Town Councils, one in Merthyr Tydfil in February 2018 and one in Aberystwyth in April 2018. These additional sessions provided stakeholders a further avenue to share their views and an opportunity to consider the same questions posed at the larger engagement events.

In April, we also held four events across Wales targeted specifically at representatives from Local Authorities to ensure their perspectives were captured.

Finally, to make sure all communities and members of the public had the opportunity to share their views, we called on Community and Town Councils and partner stakeholders to host 'pop-in' sessions across Wales.

To have maximum impact, where possible, we asked people to host their event on the same date (24 May 2018). A handful of councils chose to combine their 'pop-in' session with events previously arranged in May within their community. Where stakeholders were unable to host a session themselves, we asked that they advertised a session near them. Those hosting an event were provided with the resources they needed to publicise their event and capture feedback. Feedback forms mirrored the questions asked as part of the public survey.



One Voice Wales also held its own engagement events with their members of the sector, submitting a substantial response, which we welcomed.

This map (item 1) shows the places we visited as a Panel (whether individually as Panel members or as part of a planned engagement event) and the locations of all the stakeholder led 'pop-in' sessions.

In total, we had over one thousand points of contact with individuals as part of the review engagement. Over 190 individuals attended our engagement events and over 600 views were received as part of the feedback from the 'pop-in' sessions. The map below (item 2 below) shows where responses were received from across Wales, from those respondents who told us where they were from.

In response to our surveys, both online and submitted to the review mailbox or our secretariat, we had 801 responses in total. This is broken down as follows:

- General Survey (mainly sector based responses) – 227
- Public Survey – 453
- Youth Survey – 104
- Local Authority Survey – 17

We also received 27 written items of evidence. Whilst this seems relatively low, this mainly included key stakeholders who provided both written and oral evidence at our meetings. Where appropriate, other stakeholder responses were incorporated into the survey responses.

What we heard

We received a wealth of evidence from many individuals. Thank you to everyone who filled in a survey, attended an event, or sent us your thoughts. With these responses, we believe we have achieved a truly evidence based review.

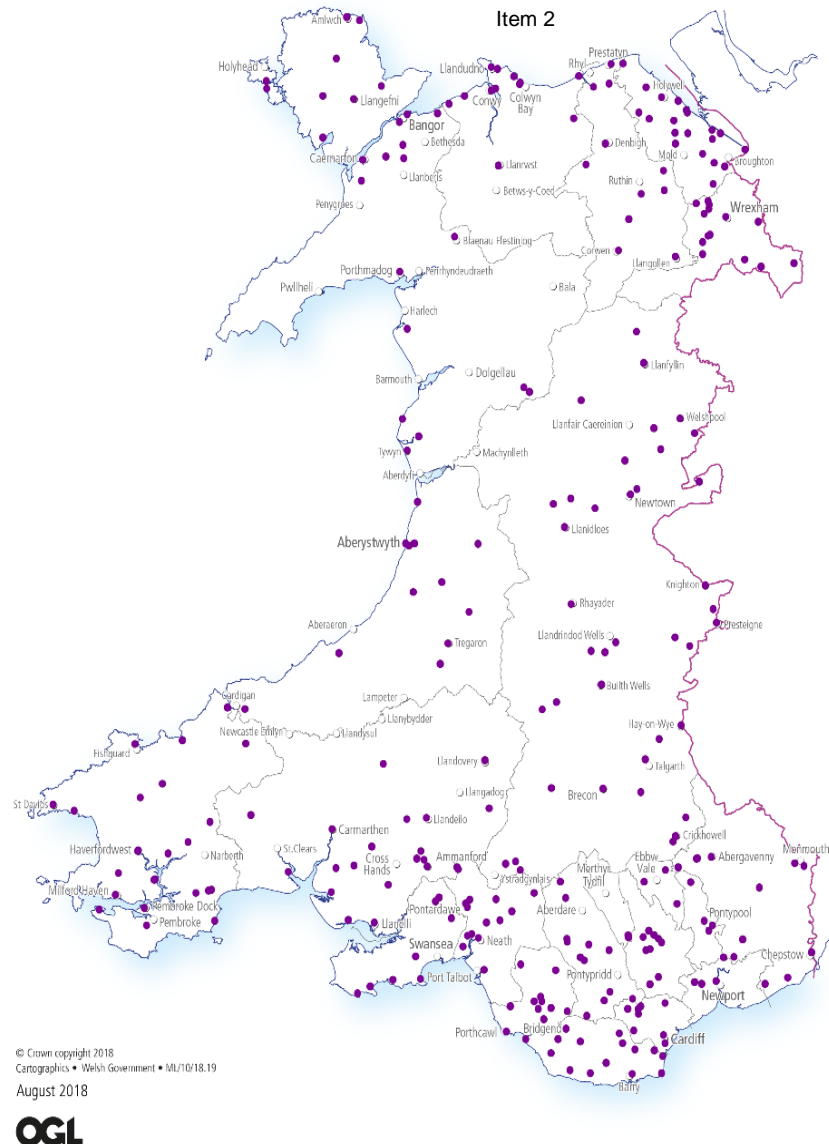
While in relation to some topics, responses were polarised, there was general consensus reached around the majority of issues.

Many responses noted that Community and Town Councils should be responsible for local community issues or services. In addition, the key role of a Community and Town Councils is to be democratically accountable and represent local views.

It was recognised that there are barriers preventing Community and Town Councils from doing their best for the community including Finance, Capacity and Capability. Many responses noted the lack of awareness around the role of a Community and Town Council and a lack of engagement from some councils with their community.

There were strong views both in favour of, and against dual members (councillors who are a member of more than one type of council) and the role of party politics within a Community and Town Council. We will explore these themes throughout the report.

A more detailed analysis of the responses received can be found in our Engagement Report.





Theme 1: Community and Town Councils - What they are

Key Recommendation:

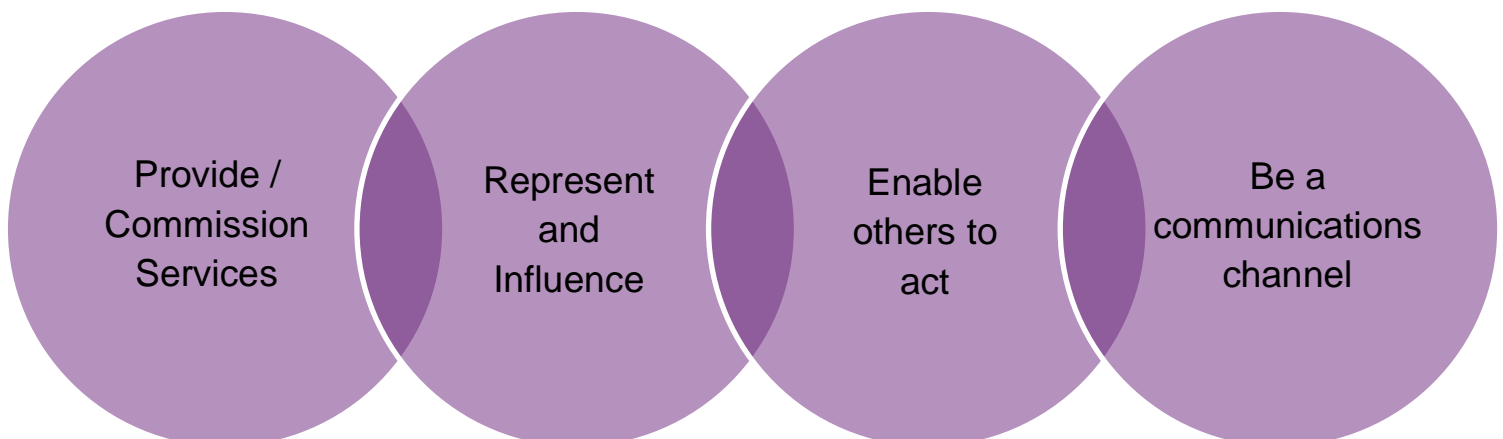
The case has been made to retain Community and Town Councils on the basis that they are **very local**, are **democratically accountable** and are **able to raise resources**. All areas should be supported by a Community and Town Council and should be established in all areas that haven't currently got one.

The Cabinet Secretary gave us a uniquely broad and challenging remit, supported by the notion to be radical. We started with the big questions, 'Should Community and Town Councils exist?' and if so, in what form. We explored different models of Local Government from around the world including Franceⁱ, Germanyⁱⁱ, Netherlandsⁱⁱⁱ, USA^{iv} and Denmark^v. We also considered how Local Governance differs across the UK^{vi}. Our case study (at Annex A) outlines the differences between these models and the current model in Wales.

Read more about how these models compare to here in Wales, as well as our other case studies, in our Annex.

Through our call for evidence, many responses were received around this theme. There was clear disparity between those in favour of retaining Community and Town Councils and those believing they should be abolished. For example, there were comments outlining the flaws in the current system 'they are old-fashioned', 'they are not all fit for purpose'. Respondents also noted that 'society is changing' and that Community and Town Councils should operate 'consistently or not at all'. This was a very small minority view (with 12 responses out of 453 responses to the public survey). The overwhelming majority of responses were concerned with how the sector could be improved; outlining the benefits a Community and Town Council brings including as an enabler for sharing the voice of the community it represents.

We believe the case has been made to retain Community and Town Councils on the grounds that they can:



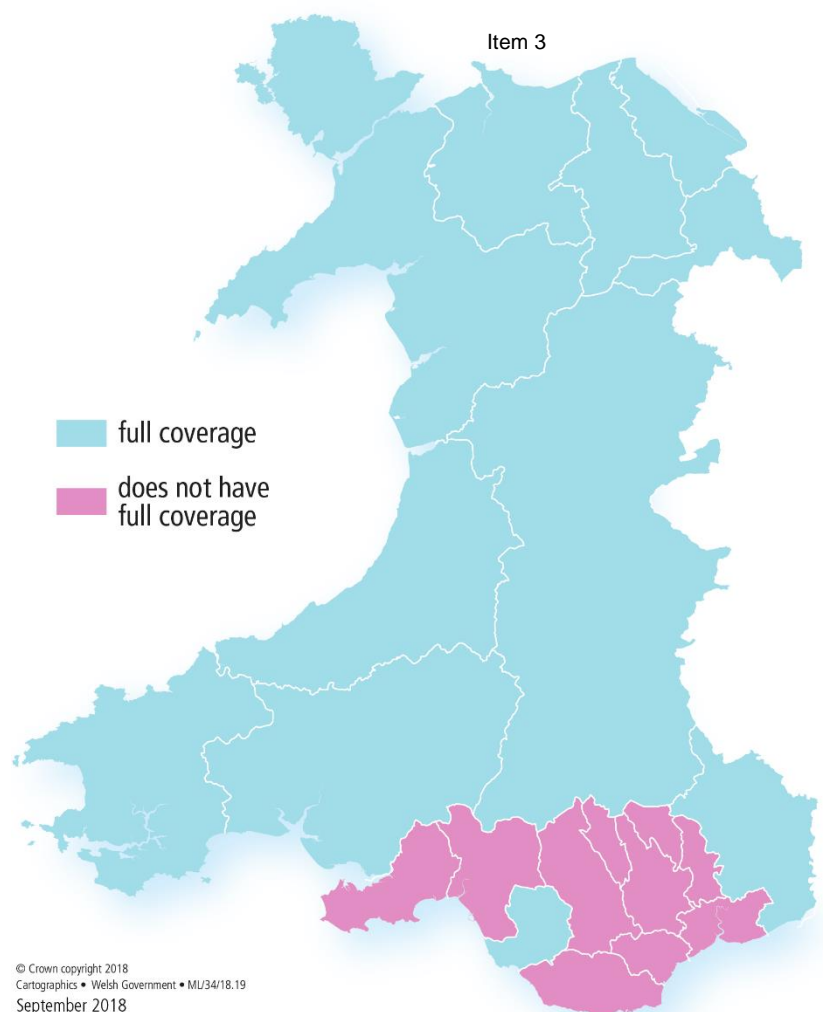
The key features of a Community and Town Council, which other models of community governance do not provide, are that they operate at a **very local level**, **democratically accountable** and are **able to raise resources**. They are uniquely positioned to be pivots of local democratic action and resourced to lead, change and influence.

Whilst we felt that there are defects in the current system, replacing the model as a whole would be difficult. There is not one alternative solution that would fit all areas across Wales. This does not mean that Community and Town Councils should continue as they are. We believe there is scope to be radical in how councils operate in the future.

All areas should be supported by a Community and Town Council. We believe that unless universal coverage is achieved there would be areas of unmet need, if the role we envisage for Community and Town Councils is to be realised. Every effort should be made to ensure local communities are aware of the benefits of having a Community and Town Council. We know there are challenges in existing Community and Town Councils regarding attracting an appropriate number of individuals to stand for election, so more needs to be done beyond just establishing Community and Town Councils in all areas across Wales.

With over 730 Community and Town Councils in Wales, it's hard to imagine that there are community areas without a council. But, we know that there are approximately 110 communities or 30% of the country's population without a council. Only 12 Local Authority areas in Wales have total coverage in respect of Community and Town Councils (see item 3).

We have had difficulties in obtaining detailed evidence from those areas without full coverage. We know that in these areas, other community organisations play a similar role – for example in Merthyr Tydfil. We heard evidence from Neath Port Talbot County Borough Council, who confirmed that where Community and Town Councils do not currently exist in the Borough, they believe their ability to respond in a swift and agile fashion to the challenges posed by austerity has been demonstrably weaker.^{vii}



OGL

Local Authorities have also told us that it is often difficult to consider transferring services when they do not have coverage across the authority. The lack of coverage potentially causes issues of inconsistency and more confusion for the general public.

We are of the view that universal coverage is important and preferable and the foundation of other recommendations. **We would expect Welsh Government to make every effort to encourage, promote and support local communities which do not currently have Community or Town Councils to establish them.**

The boundaries of a Community and Town Council need to be relevant and fit for purpose in order to correctly serve the local community. A

strength of Community and Town Councils is that they are locally based and have a natural sense of community. We believe it is not for us as a Panel to draw lines on a map, or to propose an arbitrary reduction in numbers. However, some of the present boundaries of Community and Town Councils no longer best serve their communities, for example reflecting recent housing developments.

We also do not believe that some Community and Town Councils will be sustainable or be able to fulfil the role we envisage for them if they remain as they are. Many Community and Town Councils will need to work together to fulfil the role envisaged in later findings. Some Community and Town Councils may choose to merge to play that role.

We sought and received both written and oral evidence from the Local Democracy and Boundary Commission for Wales and considered the *Guidance for Principal Councils on the Review of Communities*. We know that the Local Government (Democracy) (Wales) Act 2013, requires that a Local Authority conducts a community review every ten years^{viii}. From the Boundary Commission's evidence, we know that the extent to which Local Authorities have undertaken community reviews varies. We understand that all but five of the 22 Local Authorities have carried out reviews within the last ten years. Of the outstanding five, one has not made any changes to the communities in their area since 1996^{ix}.

We believe there should be a comprehensive review of boundaries of Community and Town Councils without delay to ensure community areas fit the current and future needs of their community and the future role envisaged for them arising from later findings. **Community areas should then be reviewed on a regular basis to make sure they continue to make sense as areas (and needs) change and develop.**

There is significant variation between Community and Town Councils across Wales, not just in function but capacity and capability too. There are different sizes of Community and Town Councils, ranging from the very small 'micro' Community Councils to very large Town Councils.

They also operate differently, for example, in terms of the formality of governance. Some Community and Town Councils currently deliver services. Some are purely focussed on representing their community. Each has its value.

There have already been two attempts to distinguish between existing Community and Town Councils. The Independent Remuneration Panel for Wales has determined a set of groupings of Community and Town Councils for mandatory payment for councillors^x. Furthermore, in suggesting pay scales for clerks, the agreement by the Society for Local Council Clerks and the National Association for Local Councils groups Community and Town Councils into bands based on scale of activity and job evaluations.^{xi}

In the context of this review the main distinguishing factor is whether they are able (have the capacity and capability) to fulfil the place based service delivery role envisaged by us and explained in later recommendations. We are not prescribing an arbitrary threshold for this, either in terms of geography, population or income, though all of these will impact on a council's ability to operate.

We believe that every council should play the same role that we outline elsewhere but have the scope to play that role differently whether they choose to:

- deliver it themselves
- group together to deliver or
- commission services from other Community and Town Councils or their Local Authority or Third or Private Sectors.

We have heard of many different ways Community and Town Councils already deliver services in a way that suits them best. For example, we know from the Auditor General for Wales report on *Financial Management and Governance in Local Councils*^{xii} that some Community and Town Councils jointly provide services through joint committees established for specific services, usually burial services. Each of these models has its value.

Community and Town Councils are part of the wider Local Government landscape. It is important for them to work effectively and collectively with Local Authorities. Too often these relationships feel forced and Community and Town Councils are seen as 'pests not partners'. Community and Town Councils and Local Authorities should be equal partners and are not accountable to each other.

Positive, meaningful and equal engagement is required between Community and Town Councils and Local Authorities. Later recommendations suggest how we believe this is best achieved for the benefit of communities across Wales.

Theme 2: Community and Town Councils - What they do

Key Recommendation:

Place based services should be delivered by Community and Town Councils.

There is a need for greater clarity on the purpose and role of Community and Town Councils, guided by the principle of what can be done better locally.

When we asked about the delivery role a Community or Town Council should play, many respondents outlined very local non-statutory community services. For example, public footpaths, social centres, street cleaning, public conveniences, cemeteries, parks, tourist information etc. A significant proportion of the evidence received for the review highlights the confusion between the responsibilities of Community and Town Councils and Local Authorities. In some cases, there is even confusion from Community and Town Councils themselves.

We believe there should be a clear distinction between what a Community and Town Council is responsible for and what the Local Authority is responsible for. This will provide clarity for the public and drive change. Community and Town Councils should, by and large, be responsible for all 'place-based' services and Local Authorities should be responsible for 'people based' or statutory, regulatory or strategic services (such as education, social care and environmental health).

We have determined that 'place-based' should be any (mainly discretionary) services that helps the social, cultural, economic & environmental, and physical wellbeing of the community which can be linked to a place and can vary from place to place, rather than people based, statutory or regulatory services that are more likely to need equitable service across the country. It is difficult to determine a full list of place-based as these services can vary based on community need and lists can quickly become out of date. Examples of place-based services could include¹:

- Burial Grounds
- Bus Shelters and Street Furniture and Features
- Community Assets including: Village halls / centres, Toilets etc
- Culture, Tourism and Heritage including: Libraries, Arts venues, Museums
- Environment including: Street cleaning / street bin collection, Litter, Grass cutting, Drainage
- Highways including: local footpaths and pavements

Caerwys Town Council, together with Community Councils of Halkyn and Whitford, work jointly on street lighting.

Llandudoch Community Council worked in partnership to identify possible land for allotments.

¹ Some of these services could be delivered by a Community and Town Councils in agreement with the relevant authority.

- Leisure / Recreational Facilities including: Leisure centres, sports halls
- Markets
- Playing Fields / Open Spaces / Parks / Allotments
- Transport including: Local community / village transport / bus shelters
- War Memorials.

We believe that ‘People-based services’, statutory, regulatory and statutory strategic ‘place-based services’ should remain at Local Authority level. We have outlined below some examples of functions that we consider are NOT place-based services. This is not an exhaustive list.

- Electoral & Registrar Services
- Revenue Billing and Collection
- Strategic and Regulatory Education, Social Services, Housing & Health
- Strategic and Regulatory Waste Management – Disposal, Household Collection and Recycling
- Strategic and Regulatory Highways and Transport – Acting as a highway authority responsible for trunk roads, maintaining roads, managing traffic flow
- Regulatory Consumer Protection
- Regulatory Environmental Health and Services
- Strategic and Regulatory Planning
- Strategic Economic Development
- Emergency Planning.

In many cases, defining place-based will be down to local determination and need. We recognise there will be variations where the margins between the two are not always clear, nevertheless, we feel use of this distinction provides clearer separation for public, staff and councils themselves between the role of Community and Town Councils and Local Authorities.

We considered the January 2018 research undertaken by Welsh Government on the *Management and delivery of services and assets in Community and Town Councils*^{xiii}. The research found that Community and Town Councils are already taking on place based services within their communities. For example, of the 254 councils who responded to the survey, 81 per cent reported that they provided services / amenities to the public. The three most common services provided were noticeboards, seating, and playing fields, village greens and other green space. Other services provided included flowers and play area car parks, youth services and leisure services. Of the 203 councils that indicated whether they had taken on services in the last 12 months, 21 per cent reported that they had done so. The most common recently acquired services/amenities were playing fields, village greens and other green space, public conveniences, bus shelters and Christmas lights. Finally, 28 per cent of all councils surveyed signalled their intention to take on services in the next 12 months; most of these had not also taken on services in the previous 12 months.

The role Community and Town Councils play in local land use planning was highlighted by the majority of sector responses, with many Community and Town Councils themselves noting the lack of weight given to their responses to planning applications. We believe that planning is best delivered strategically, as it is now.

However, we feel more could be done to strengthen responses from a Community and Town Council – both in terms of the quality of the response and weight given to it. We will address this through later recommendations. Community and Town Councils are also well placed to facilitate the development of Place Plans as part of the supplementary planning guidance underpinning Local Development Plans.

We believe in the principle of subsidiarity and that certain services should be devolved if they can be better delivered and have the biggest impact for citizens at that level. **We expect place based services to become the responsibility of Community and Town Councils.** We recognise there will be need for a transition period however we believe this process should start as soon as possible. Universal coverage of Community and Town Councils with sufficient capacity and capability is an implicit requirement of this.

It is vital for Community and Town Councils to have the ability to do whatever they think is best for their community – above and beyond delivering the place-based services described above. Community and Town Councils should have the ability to undertake additional activity which is supplementary and complementary to other ‘people’ based services provided by the Local Authority (rather than taking over the role) providing this is based on local want and need. For example, the power to generate and supply community energy locally.

Community and Town Councils should have a key role in supporting the implementation of Social Services and Wellbeing Act by providing basic information and support in their communities. In their role as an enabler of community activity, Community and Town Councils are often an incubator for unique ideas / solutions and this should be supported.

We know there are many examples of where a Community or Town Council has gone above and beyond ‘normal’ council activity to address a want and need in their community. We believe **Community and Town Councils have a clear role to improve the well-being of people in their areas and should not be constrained from doing anything they deem required by their community.** We believe the forthcoming introduction of the General Power of Competence, this will give the flexibility needed.

Monmouth Town Council has been working in partnership with Monmouthshire County Council and Monmouthshire Museums Service to support people living with dementia and their carers.

Community and Town Councils must have the necessary powers for them to undertake the place-based delivery role we envisage for them.

Over the course of the review, we have heard a lot of evidence around the need to review the legislative framework for Community and Town Councils. It does not seem sensible that councils have the power to own a boating lake but do not have the powers to run a swimming pool. This is just one example of the anomalies we found.

We have considered the powers available to them and while it is clear there are some powers missing from the framework of powers available to Community and Town Councils, we do not feel it would be prudent to attempt to list and address

each of these powers separately, given the scope for any set of powers to become outdated.

With the forthcoming introduction of the General Power of Competence, and intention to make this available to councils which meet certain criteria, we believe this will provide the legislative power needed for Community and Town Councils to fulfil the role envisaged for them.

We call upon all Community and Town Councils to be working towards meeting the criteria to be able to exercise the General Power of Competence and think it is reasonable to expect them to achieve this within the next three years.

There is a key role for Community and Town Councils continuing to act as a local voice of the community. Community and Town Councils are not a 'lesser' tier of Local Government but the closest tier to communities. Their local knowledge is crucial and being a local advocate for decisions / advice to other partners (including Local Authorities, Public Services Boards, Welsh Government and other community organisations) is a key role they could and should play. Community and Town Councils ought to be an integral part of decisions on use and allocation of public funds that affects 'their place'.

A key function of Community and Town Councils should be as a provider of information for their communities and to become a local hub / play a signposting role. They are ideally placed to be the key mechanism by which information is shared within their community.

A lot of evidence from members of the public identified a key role in Community and Town Councils being at the centre of community life. They are ideally placed to share information both with the community and from the community. As mentioned above, the majority of responses from Community and Town Councils themselves outlined the lack of weight placed upon their views, particularly in relation to planning.

Community and Town Councils should have a stronger voice in helping to shape their areas. **We recommend that an explicit duty to represent their communities is explored to give formal weight to the voice of Community and Town Councils, subject to any relevant protocols.** We also believe that a duty to provide information should be considered.

In relation to the Wellbeing of Future Generations Act, we know that it currently applies in a limited way to Community and Town Councils (with a duty on larger Community and Town Councils to take reasonable steps towards delivering the local well-being plan for their area). If we are to truly benefit future generations, Community and Town Councils play a vital role in improving well-being and this should be recognised more fully.

We recommend that while they should not be subject to the full well-being duty **all Community and Town Councils should be required to act in line with the Sustainable Development Principle (the five ways of working).**

We know there are good examples of Public Service Boards (PSBs) who already engage with Community and Town Councils in their areas, to include the voice of their communities in the work of the PSB. For example, we know that Vale of Glamorgan and Ceredigion PSBs both have representatives from Community and Town Councils on the board.

While we know some PSBs have sought representation from Community and Town Councils in their work, we are conscious that Community and Town Councils have no formal role on a PSB and believe this should be rectified. To be able to play this role Community and Town Councils need to have the democratic mandate to do so and we come to this later.

We recommend that Community and Town Councils – or a representative of them – should become a statutorily invited participant on all Public Service Boards.

Since the introduction of the Well-being of Future Generations (Wales) Act, Carmarthenshire Public Service Board have developed a good working relationship with the seven councils which come under the duty of the Act and meet regularly with them.

To be good at the above, Community and Town Councils should play an active role in engaging and consulting their communities. While there are examples of good practice in this area this is not universal and currently Community and Town Councils have no duties in relation to engaging or involving their communities.

Respondents to the review highlighted the variation in Community and Town Council engagement. Some were supportive outlining the lengths their community council goes to in engaging their community, whether this is through events, newsletters or community planning. However many responses, particularly from members of the public, noted that they had not been engaged by their community council. In addition, over half of responses received from young people had not had contact with or been involved in their community council (excluding when completing our survey).

Monmouth Town Council devised an event for the community to create lanterns for display during an evening parade.

In Llandough, the council asked the community how their services were being used and how they could be improved.

Some respondents highlighted language as a barrier to engaging with their community council. We note that all residents have the right to engage with their Community or Town Council in the language of their choice and councils should take appropriate action to meet this need, as far as is reasonable and practicable. Access to Community and Town Council business should be a right to all individuals including disabled people, again as far as reasonably practicable.

We believe there should be set standards and principles all Community and Town Councils should follow in terms of Community Engagement.

To enable Community and Town Councils to truly represent their communities, **we recommend that Community and Town Councils have a duty to engage and are supported in doing this appropriately.** This should be combined with a requirement to set out what they intend to do, and to report on what they have done. Further detail on how we think this could be achieved is in the last theme.

Theme 3: Community and Town Councils - How they do it

Key Recommendations:

All clerks must hold a professional qualification and CILCA should be the expected minimum qualification.

A core package of training should be mandatory for all councillors as a requirement of acceptance of office.

Community and Town Councils need the capacity and capability to play the role envisaged. Many do not have this capacity and capability currently. Community and Town Councils fall into two categories, those who can independently fulfil the role envisaged for them and those who cannot.

There are a range of different models through which Community and Town Councils could choose to deliver place based services. They could:

- If they are large enough, choose to deliver services themselves
- Work together with Community and Town Councils and / or Third or Private Sectors in their area to deliver services
- Commission these services from their Local Authority or another larger Community and Town Council or Third or Private Sectors.

It is worth noting that there is a distinction between organising to deliver, and the actual delivery. For example, smaller councils may come together to deliver the role and then choose either direct delivery or to commission it. There is also a distinction between 'self-contained' services which could be delivered discretely by a community council and 'cross border' services where the service or asset may sit within one council area but would be used by surrounding councils.

We considered different delivery models, exploring examples across Wales, including the memorandum of understanding to better regulate activities of collaboration established by Llanelli Rural Community Council; varieties of social enterprise such as the one established by the Ogwen Partnership; the limited non-for-profit company established by the Penllyn Partnership; the community interest company being established by North Montgomeryshire; and the non-for-profit social initiative established by Solva Community Council. Each has their value.

We've found many examples of different delivery models and mechanisms including Memorandums of Understanding, Service Level Agreements and Social Enterprises.

Many respondents told us that what and how Community and Town Councils deliver locally should be determined by local need. In addition, we know there is a desire from Community and Town Councils to retain their local identity and not be constrained or overtaken by a larger council. We believe the best model to achieve this is to establish a similar model to the Penllyn and Ogwen models.

However, **we do not believe we should prescribe how Community and Town Councils choose to take on this role we envisage for them.** They should have the flexibility to determine which delivery model works best for them.

To support and encourage Community and Town Councils to work together we believe the Welsh Government should look at mechanisms and incentives to encourage collaboration such as match funding to deliver a joint collaborative project or legal assistance with formal collaborative arrangements. We know that the Welsh Government already encourages Community and Town Councils to work together for a purpose through their clustering grant.

We also believe there should be guidance and support available, including sharing of good practice, to support Community and Town Councils in choosing the best delivery model for them.

Community and Town Councils need to be professionally supported through qualified and independent staff. The clerk is a key source of advice to a Community and Town Council and it is vital the clerk is properly equipped to play that role both in terms of expertise and time. We have heard that they can feel exposed and isolated.

There is a current contradiction and conflict where clerks are employed by a Community and Town Council and a key function of the clerk role, as the proper officer, is to ensure councils and councillors operate within their legal powers. Whilst this is also the case for some officials in a Local Authority, the small numbers of staff (often one person) in a Community and Town Council can exacerbate the situation.

Over the course of the review, we've heard from clerks themselves about the struggles they face. In many cases they've told us that although a very rewarding job, it can be lonely and demanding at times. Whilst many are not full time, they work above and beyond their contractual hours to help their community. Many councils have expressed the vital role their clerk plays in supporting the council and its community.

We know from the Welsh Government's *Management and delivery of services and assets in Community and Town Councils*^{xiii} research, that in many cases Community and Town Councils only employ a single clerk. Even then, this vital resource is often part time, with 72 per cent of councils having no full time employees.

The Society of Local Council Clerks commissioned research^{xiv} on issues relating to council governance. The research found that, whilst there are a small minority of councils where the clerk or other staff are direct recipients of poor behaviour from councillors, more generally clerks tend to get caught in the crossfire, either as part of general targeting of the way the council is run or because they are having to manage the behaviour or reconcile factions. A minority of respondents said they had left a previous role as a clerk because of the way they were being treated and a handful of respondents were either currently engaged in an employment dispute with their council or actively considering it.

We believe that if clerks operated as part of a 'pool' it could provide them with them with peer support as well as offer opportunities to standardise approaches (such as to terms and conditions); provide more scope for flexibility of support across councils; and enable career progression. **We recommend that Welsh Government should explore how such a Welsh network of clerks would operate.**

Given the key role clerks play in a council, **we recommend all clerks must hold or be working towards a professional qualification and Certificate in Local Council Administration (CILCA) should be the expected minimum qualification.**

We believe Welsh Government should contribute to the costs associated with achieving this qualification. **We recommend that clerks should be appointed from an approved national list.** This can ensure all clerks have the expected accreditation before being employed by a Community and Town Council as well as providing a mechanism for supporting clerks.

We believe democracy and citizenship should play a strengthened role in the curriculum to help enthuse and encourage young people to play an active role in local democracy and consider the Public Sector as a career.

Even with our recommendations above, we know there is a need, in certain instances, for Community and Town Councils to be able to draw on professional expert advice and support.

Many Community and Town Councils have told us that, despite the efforts of the sector's representative body, there is a lack of professional advice and support available specifically for expert areas. We have heard examples of where Community and Town Councils have required expert advice in relation to human resources support or legal advice.

From considering the evidence, we have identified Community and Town Councils use three different mechanisms to obtain this advice:

- Source the advice (if available) from the Welsh sector representative body, One Voice Wales or, where appropriate, the English sector representative body, National Association of Local Councils
- Source the advice from the Local Authority – in some cases across Wales there are agreements in place for Community and Town Councils to pay for this advice. However, we know there are many cases where this information is given on an ad hoc, free basis (recognising that the Local Authority may have different law and objectives). This can depend on the spare capacity of the Local Authority
- Source the advice independently – this is often costly and can be time consuming to secure.

These different avenues can and often does lead to Community and Town Councils receiving different advice about the same issues. **We believe there is a need for this advice and support to be provided on a national basis**, to ensure consistency, accuracy and efficiency of advice.

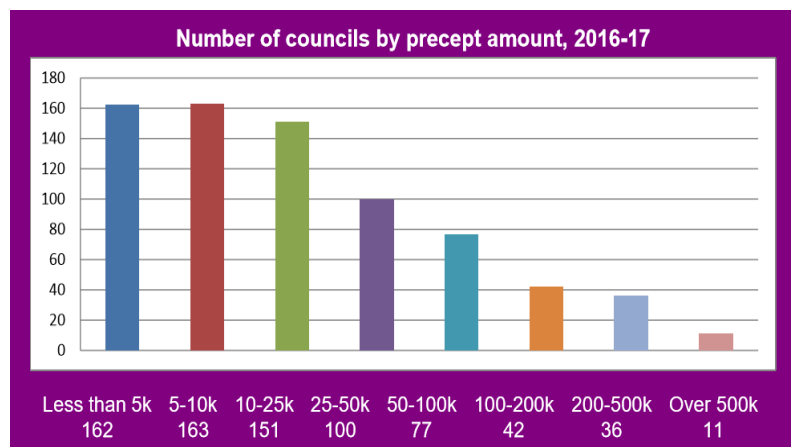
It is important that Community and Town Councils have the resources they need to play a place-based delivery role envisaged for them.

In his most recent report^{xii}, the Auditor General for Wales outlined that community councils' income in Wales has increased by over £7 million since 2014-15 and 75% of this is raised from council tax (precept). Community and Town Council income from precept alone has increased from £33 million in 2014-15 to just over £40 million in 2016-17.

Community and Town Councils have the power to raise precept and shouldn't be reluctant to do so where a clear case has been made through local conversation with their electorate.

Some Community and Town Councils themselves have expressed that they believe it is their duty to keep the precept as low as possible. While we appreciate the sentiment behind this, we know that there are many instances where a Community or Town Council has, in consultation with their community, raised the precept to meet need and deliver valuable services.

From data held by the Wales Audit Office, we know that 325 Community or Town Councils raised less than £10,000 precept during 2016-17. During this period, the lowest precept raised by a Community or Town Councils totalled just £174 whereas the highest precept raised was just over a million pounds at £1,003,230.



We can clearly see that there are a number of Community and Town Councils whose precept is simply not large enough to deliver an increased role or take on additional responsibilities.

Even when increased, there are also cases where precept would not be sufficient to sustainably fund services. The majority of responses to our surveys outlined the need for greater access to funding for Community and Town Councils. Many respondents identified various different funding streams which it is believed Community and Town Councils should have access to. For example, many Community and Town Councils contribute to the viability of their community, which local businesses benefit from. A vast number of responses highlighted the need for Community and Town Councils to receive a proportion of Business Rates. We also understand there are various restrictions on access to some grants for Community and Town Councils.

Community Councils' reserves are also increasing each year and as of March 2017, totalled £41.5 million. Whilst we know that reserves are held for a variety of reasons, Community and Town Councils' reserves have increased by over £10 million (33%) over the financial years 2014-15 to 2016-17.

When services are transferred from Local Authorities to Community and Town Councils, there is an expectation that an agreement is found in relation to funding. We know this does not happen and often Community and Town Councils are, effectively, asked to take on liabilities without support. While we recognise the financial constraints on Local Authorities, the presumption should be that where Community and Town Councils take on place based services the funding / income associated with them comes with them. In addition, any place based income generated should be received by the community.

We have heard a lot about the issue of 'double taxation'. This appears to take two forms, the first where the public *perceive* that their council tax buys a specific service from the Local Authority, where it may no longer provide it. The second is where the Local Authority delivers a service in one part of its locality but that same service is delivered by a Community or Town Council in other areas of the locality. We believe, a clearer distinction of the role of a Community and Town Council will address the former. More consistent delivery of place-based services by Community and Town Councils will help address the latter.

Some responses have outlined that councils feel constrained by the Section 137 limits, with the financial limit preventing competence and improving communication with the Third Sector at a local level. At our engagement events, attendees told us that there is a lack of clarity and confusion around the Section 137 limits and what the funds can be used for.

We believe there are many different avenues which should be explored in relation to additional funding for Community and Town Councils including:

- Better use of existing funding sources (e.g. raising the precept, using reserves, ability to borrow, power to charge for a discretionary service)
- New access to funding sources (e.g. eligibility for grants, power to trade)
- Redistribution of funding provided to Local Government (e.g. proportions of non-domestic rates and council tax; Community Infrastructure Levy)
- Additional funding (e.g. new local taxation, direct funding from Welsh Government).

We believe that Community and Town Councils should be made aware of, and have increased access to, these alternative sources of funding. In addition, we recommend the Welsh Government should explore how the transfer of funding and income related to place-based services taken on by Community and Town Councils can be achieved.

The role of a Community and Town Council councillor is changing. We know many councillors think of themselves as volunteers, when they are in fact elected members with statutory responsibilities. The Auditor General for Wales confirms that a significant number of Community and Town Councils demonstrate a lack of understanding of the governance framework within which they operate and do not comply with their statutory responsibilities. We agree with the steps taken by the Independent Remuneration Panel for Wales to reinforce that councillors are elected members. We believe there should be a clearer description of what the ‘ask’ of a councillor is in light of the new role for councils we have set out.

As elected members, councillors have to meet the standards expected of them in the Code of Conduct^{xv} and adhere to the Seven Principles of Public Life (Nolan Principles)^{xvi}. We talk more about the conduct of councillors in later recommendations.

Evidence has told us that some councillors are willing to attend regular training, where as some are more reluctant. It is important they are familiar with what’s expected of them as councillors.

We recommend that a core package of training should be mandatory for all councillors as a requirement for acceptance of office and that this mandatory training is repeated regularly (every election term). This should include:

- Code of conduct
- Induction (covering role/expectations and the legal framework)
- Being an employer
- Diversity and Inclusion
- Health and Safety
- Finance (core basic requirements)
- Planning (including the requirements of completing a planning response).

We call upon Welsh Government, Community and Town Councils and councillors themselves to ensure all councillors are fully trained and have a training plan.

A lot of evidence and strong views has been received both in favour of, and against party politics. Many responses have outlined how they feel party politics hinders the Community or Town Council in achieving what’s best for the community. Conversely, we have heard the benefits party politics can have in demonstrating what Community or Town Council candidates stand for. Community and Town Councils can also provide an avenue for local individuals to enter politics. We believe it is not for this Panel to decide whether party politics should be involved in this tier of Local Government.

There are many councillors who are both a Community or Town Council Councillor and a Councillor for the Local Authority, or on more than one Community or Town Council. Again the Panel has heard a lot of evidence and strong views have been received both in favour of such membership and against. Many respondents have told us that dual membership can help strengthen the relationship between the Community and Town Council and the Local Authority. Conversely, many responses have outlined the confusion it can cause, particularly with members of the public, or when discussing issues that are impacted by the Local Authority's agenda.

In their response to the review, the Welsh Local Government Association^{xvii} tried to compile details of the number of 'dual' councillors across Local Authorities in Wales. However, they only received information from thirteen Local Authorities. Out of the thirteen responses, 433 out of 790 councillors or 54.8% were identified as 'dual'.

We believe that whilst having dual members can help engagement it can cause conflicts of interest, as well as constraining the democratic pool and causing confusion. For these reasons, **we recommend against having dual members regardless of the types of councils** and that County councillors should regularly attend Community and Town Councils within their wards (in ex-officio capacity) to ensure engagement.

It is important that councils are nimble. Councils should be focusing on strategic decisions and using a committee system, where appropriate, or delegation to officials to take forward the operational detail. This will enable councils to focus on 'What is to be done' and Committees and or officers focus on 'How it's done'. We call on Community and Town Councils to be nimble, agile and strategic in the way they serve their community. We also recommend that all Community and Town Councils should set out a Scheme of Delegation with the aim of achieving faster decision making at a level appropriate to scale and implications of the decision.

To enable them to focus on the core business of the council there are opportunities to share 'back office' functions (including but not exclusively HR, Payroll, Finance etc.). **We recommend that Community and Town Councils should look to share back office functions.**

Despite Community and Town Councils being required to have a website, we know from the Auditor General for Wales report^{xii} that whilst there has been a significant increase in the numbers of councils with websites, over 100 councils do not have adequate arrangements in place to comply with the requirements of the Local Government (Democracy) (Wales) Act 2013.

We also know that some of the requirements on a Community or Town Council, are enshrined in laws made a number of years ago which could not foresee the development of technology as we use it now. For instance, Community and Town Councils should have the ability to issue summons and papers electronically.

New Radnor Community Council has recently modernised its website targeted at engaging the community.

We know many Community and Town Councils are starting to use social media to enhance the way they work. For example, some councils are starting to live stream portions of their meetings. **We recommend Community and Town Councils explore digital mechanisms to aid ways of meeting, engaging and sharing information.**

Community and Town Councils must work closely and have strong relationships with partners in the area to benefit the community.

Community and Town Councils should 'collaborate not compete' with partners including sharing information and working with Third Sector partners. We know that there are parallels between the engagement and involvement undertaken by both the Third Sector and Community and Town Councils.

In particular, there is a need for a better relationship with Local Authorities. We know that it is not a consistent picture across Wales in relation to Local Authority relationships with Community and Town Councils. A number of partnership forums exist with the aim of fostering relationships, but there is not universal coverage of these forums and the quality of them vary. For example, some meet quarterly where as some meet just once or twice a year. Beyond these forums, we are aware of other connections for example, as mentioned previously, we know there are some Community and Town Councils who have arrangements in place with their Local Authorities to obtain expert advice.

While many responses highlight the importance of a strong relationship between the two tiers of Local Government, ultimately we've heard much about the failings in this relationship. For example, many Community and Town Councils believe Local Authorities see them as a burden and subsidiary to them. Responses received from Local Authorities themselves highlight the difficulties in establishing and maintaining a good relationship with Community and Town Councils, outlining the inconsistencies between councils and patchwork coverage as barriers to good relationship building. We note that there are examples of Local Authorities identifying the gap in their relationship with Community and Town Councils and are seeking to address this.

We believe that, across Wales, relationships can and should be improved. We recommend that **all Local Authorities should have regular partnership forums** with Community and Town Councils based on equal partnership in a common goal. There should be meaningful charters, or other ways of formalising the relationship, in place. In addition, **Local Authorities should have a dedicated liaison officer** for liaising with Community and Town Councils in the region. It is important that Community and Town Councils have access to the right people to speak to.

In Wrexham, a Forum was organised to bring together Town and Community Councils and the County Borough to discuss issues of common interest.

Flintshire County Council has jointly agreed a charter with its Town and Community Councils and meets regularly.

Conwy County Borough Council have set up five Local Area Forums and are piloting different models of working with Town and Community Councils.

Theme 4: Community and Town Councils - How they are held to account

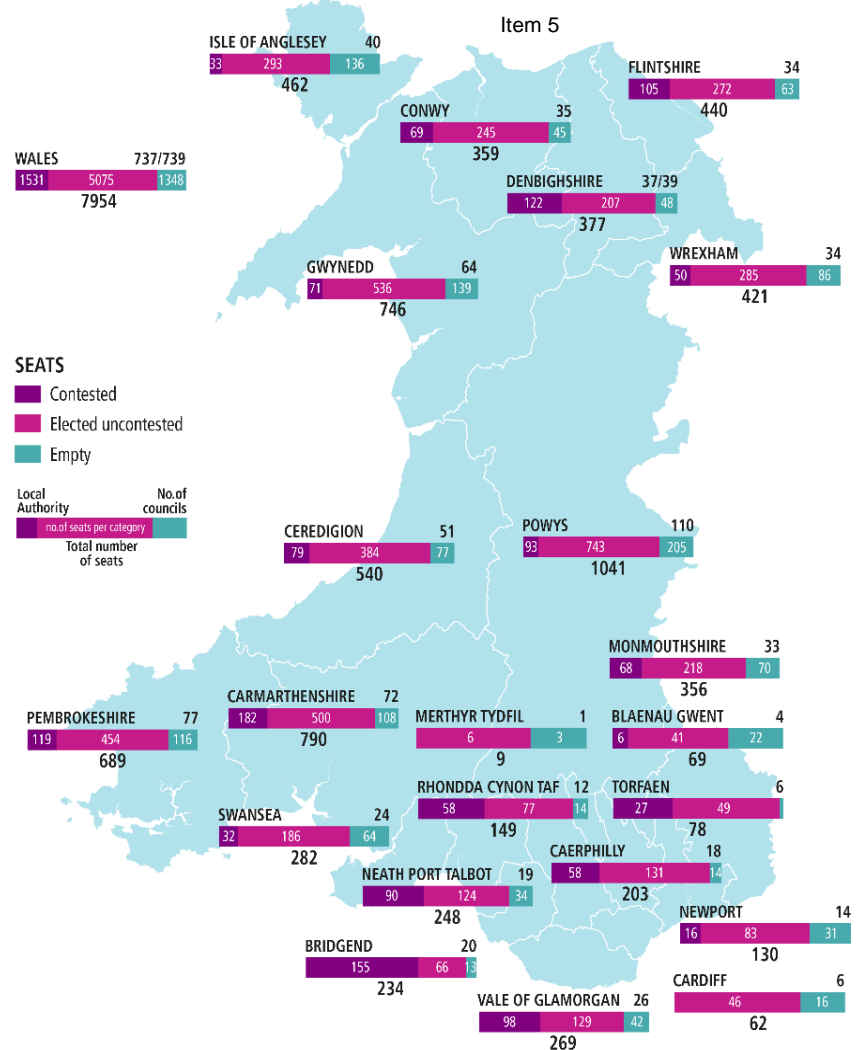
Key Recommendation:

Community and Town Councils should follow a cycle of engage, plan, undertake and report. We recommend that all Community and Town Councils should prepare an annual report setting out their progress to date and priorities for the forthcoming year.

It is important that Community and Town Councils are accountable for their actions – they raise and spend public money and run public services. Democratic accountability is a main feature of their role and this should be strengthened.

Ultimately Community and Town Councils are held to account by their public and the ballot box. But not all members of a Community and Town Council are elected, many are co-opted. This calls into question the democratic mandate of the council.

There was a noticeable lack of candidates in the 2017 elections. We know from the 2017 Local Government Elections data that over 64% of seats in Wales were elected uncontested. The map (item 5) shows the lack of elections across Wales. All but two Local Authorities had under 50% contested seats. Bridgend had the lowest amount of uncontested seats, with just 28%. In comparison, Cardiff had the highest amount of uncontested seats with 74%.



We recognise there are significant challenges in attracting more candidates. To support candidates in standing for election, **we recommend that Welsh Government support vibrant elections with a national campaign** encouraging people to step forward to represent their communities. **We also recommend Welsh Government explore a free post for Community and Town Councils**, allowing election literature to be delivered post free to electors and that this should be in the form of one item of literature per candidate for each household.

We have heard that some Community and Town Councils are consciously avoiding the cost of holding an election by ensuring they have the right number of candidates for seats available. **We believe that elections should be called regardless of whether seats are contested.** Consideration should be given to the financial implications of this for councils.

We recognise the value of co-opted members; they can bring a range of perspectives from within the community that may not otherwise be heard. However, it is important that members are democratically accountable. To ensure democratic accountability, **we recommend that councillors cannot be co-opted for more than a one consecutive term.** We believe that one term should be enough for individuals to determine if they want to stand for formal election.

There is a lack of diversity amongst current Community and Town Council councillors, in terms of age as well as gender and BME representation. From the Welsh Government Local Government Candidates Survey^{xviii}, based on the 2017 Local Government Elections, we know that over half (55 per cent) of community councillors are aged 60 or above. We also know that 1.2 per cent of community councillors were non-white and around 65 per cent of candidates were male. Furthermore, amongst community councillors, 15 per cent considered themselves to have a disability. In line with the Social Model of Disability, enshrined in the United Nations Convention on the Rights of Disabled People and adopted by Welsh Government, there is need to remove barriers, including negative attitudes and physical barriers preventing people's inclusion.

A Community and Town Council cannot be truly representational unless it reflects the diversity of its community. Over the course of the review, we have heard anecdotally of Community and Town Councils actively encouraging wider diversity in their councils. However, we have also heard of barriers to engaging with councils, for example of individual experiences where some people have struggled balancing timings of community council meetings with personal commitments. **We believe more should be done to encourage diversity as part of the national campaign** to encourage involvement in elections.

Significant responses identified the need to engage with young people, including from young people themselves. The Local Government (Wales) Measure 2011 enabled the appointment of community youth representatives by youth councils. We know that a number of Community and Town Councils work with young people in their area and have a youth council, however, this again is not universal.

Barry Youth Action listens to the views and ideas of young people, ensuring they are taken into account when decisions are made.

For example, within the Vale of Glamorgan, the Vale Youth Service supports the Youth Cabinet to represent the voice of young people living in the Vale of Glamorgan. There is ongoing work to consider decreasing the Voting Age nationally. **We recommend that if the national voting age is lowered, the age an individual can become a Community and Town Council Councillor should be lowered to the same age.** No matter what the voting or councillor age is, there will always be a need to build youth engagement in the work of the council.

There is a lack of visibility of the work of Community and Town

Councils. There is a significant need to increase awareness of their existence and work within their communities, as well as a need to engage with communities when making decisions.

From our engagement, we know that many members of the public have had little engagement from their Community or Town Council. From our Public Survey, we know that over 52% (or 238 respondents out of 453) confirmed they had not been engaged by their council. When asked how they would like their council to engage with the community, many responses suggested holding councillor surgeries, specific public events and utilising social media.

In addition, our youth survey has also revealed that almost 52% of youth respondents had not been engaged by their Community or Town Council. When asked how they would like to see their council involve younger members, youth respondents suggested engaging through local events, targeting engagement at youth representatives or engaging with local schools.

Community and Town Councils should all publicise and engage with their communities on their work – engagement is a key function and feature of their role. There are good examples of where the community has been engaged in decision making (through annual reports, newsletters, town meetings etc.), but there are areas where this is lacking and more needs to be done.

Many Community and Town Councils engage with their community through newsletters, annual reports, social media and events.

Community councils should be setting out what they intend to do over the coming year as part of their budget decisions. We believe that **Community and Town Councils should follow a cycle of engage, plan, undertake and report.**

We recommend that all Community and Town Councils should provide an information leaflet with their precept notification, setting out what their plans for the year are. Furthermore, **all Community and Town Councils should have a duty to report annually** explaining what they've achieved over the last year and what they are planning on spending the future year's precept on.

We would like to see councillors as well as councils being held to account, for example by providing summary reports to their electors on what they have achieved. As a minimum, councils should be required to publish their councillors' attendance record in the same way as it publishes their remuneration record.

We know in Wales there is no requirement to hold an Annual Community or Town Meeting – unlike England. The Welsh Government encourages Community and Town Councils to invite public participation and some have a dedicated time in council meetings in which members of the public can express their views or ask questions. It is not known how many Community or Town Councils in Wales host meetings explicitly for members of the public. When considering the engagement evidence we received, it appears a small number of Community or Town Councils engage their communities through occasional public meetings. **We believe, all Community and Town Councils should be legally required to hold at least one public (community / town) meeting per year.**

Finally, Community and Town Councils should look to involve their community on an ongoing basis. **We recommend Community and Town Councils include social media as a mechanism by which to achieve this.**

Appropriate governance structures need to be in place to hold Community and Town Councils to account. It is important that Community and Town Councils are accountable for the public money they spend and that this is managed well.

We believe that the audit regime developed by the Wales Audit Office is proportionate for Community and Town Councils. Despite this, many Community and Town Councils fail audit on basic issues each year.

Within the latest Auditor General for Wales report^{xii}, it is clear that over 80 councils failed to comply with the statutory timetable for publishing the audited accounting statements. Furthermore, 21 councils failed to submit their annual accounts for audit before 30 November 2017, two months after the councils were required to publish audited accounts and five months after the accounts were required to be approved by the councils. The Auditor General also notes that councils frequently submit annual return that are incomplete or contain simple errors. 86 councils in total made simple mistakes in completing their accounting statements. Whilst this is a significant improvement over the 175 councils that made simple errors in 2015-16, 30 councils made the same simple mistakes in both years' accounts.

There is advice and support from the Wales Audit Office, but we believe more support is needed. **We recommend more support is provided to smaller Community and Town Councils in order to help them fulfil audit requirements.**

There is evidence that the conduct of some councillors is not desirable for an elected member nor appropriate towards staff.

The Society of Local Council Clerks commissioned research^{xiv} on issues relating to council governance, the Code of Conduct and standards arrangements under the Localism Act 2011. Whilst covering both England and Wales, the research notes that most councils do not have issues with member behaviour, however a significant minority (some 15%) do have serious issues.

Most clerks are dissatisfied with the outcome of complaints and the way they have been handled with a minority saying they (and in some cases their councillors) no longer see the point in making a complaint. There is a significant feeling that the current legislative framework means certain individuals now believe they are 'untouchable' and are given free rein to cause disruption and that problems therefore go on longer without coming to a resolution.

The Auditor General for Wales confirms that many councils are unable to provide evidence that they have adopted a Code of Conduct for members. This is a legal requirement and one we would expect all councils to meet.

In 2017-18, the Public Service Ombudsman^{xix} received 167 Code of Conduct complaints involving Community and Town Councils. This is an increase of 33% since 2016-17. Whilst the Ombudsman clarifies that it is difficult to say exactly why there has been an increase, he believes many complaints have arisen following changes in council membership and difficulties between long established and new members.

We believe that the existing process for complaints about code of conduct is sufficient, but sufficient resources need to be in place to ensure these complaints are dealt with promptly. However, we have heard that there are sometimes cases where responsibility for complaints is not always clear. There should be easily available information which provides more clarity around these procedures. Furthermore, we hope that compliance with the Code of Conduct will be improved as a result of the mandatory training mentioned in an earlier recommendation.

We recommend that for the protection of other councillors, and of staff and for conducive running of the council that current behaviour is considered as being a factor in 'Qualification for Office', in particular current legal orders or sentences relating to unacceptable behaviour.

There is a lack of powers to formally support, and in a last resort, intervene in a Community or Town Council if it experiences service or corporate failures. This becomes more significant particularly if they are to take more of a place based service delivery role envisaged for them.

We believe, if Community and Town Councils take on the role we envisage for them, there should be some degree of safeguarding measures in place. We recommend, the emphasis should be on support, with intervention only as a last resort, and should be proportionate to the services delivered by the Community and Town Council. However, this responsibility should reside with the Welsh Government as Community and Town Councils are not subservient to Local Authorities.

Summary of Recommendations

A summary of our recommendations can be found below. As you can see from the main body of the report, we have highlighted our key recommendation in each theme. Other recommendations are identified within the text as they are marked out in bold.

Community and Town Councils – What they are

- **The case has been made to retain Community and Town Councils on the basis that they are very local, are democratically accountable and are able to raise resources. All areas should be supported by a Community and Town Council and should be established in all areas that haven't currently got one.**
- We would expect Welsh Government to make every effort to encourage, promote and support local communities which do not currently have Community or Town Councils to establish them.
- We believe there should be a comprehensive review of boundaries of Community and Town Councils without delay. These boundaries should then be reviewed on a regular basis to make sure they continue to make sense as areas (and needs) change and develop.
- We believe that every council should play the same place based delivery role that we outline elsewhere but have the scope to play that role differently.

Community and Town Councils – What they do

- **We expect place based services to become the responsibility of Community and Town Councils.** We recognise there will be need for a transition period however we believe this process should start as soon as possible.
- Community and Town Councils have a clear role to improve the well-being of people in their areas and should not be constrained from doing anything they deem required by their community.
- We call upon all Community and Town Councils to be working towards meeting the criteria to be able to exercise the General Power of Competence and think it is reasonable to expect them to achieve this within the next three years.
- We recommend that an explicit duty to represent is explored to give formal weight to the voice of Community and Town Councils, subject to any relevant protocols.
- All Community and Town Councils should be required to act in line with the Sustainable Development Principle (the five ways of working).

- We recommend that Community and Town Councils – or a representative of them – should become a statutorily invited participant on all Public Service Boards.
- We recommend that Community and Town Councils have a duty to engage and are supported in doing this appropriately.

Community and Town Councils – How they do it

- We do not believe we should prescribe how Community and Town Councils choose to take on the place based service delivery role we envisage for them. They should have the flexibility to determine which delivery model works best for them.
- We recommend that Welsh Government should explore how a Welsh network of clerks would operate.
- **We recommend all clerks must hold or be working towards a professional qualification and CILCA should be the expected minimum qualification.**
- We recommend that clerks should be appointed from an approved national list.
- We believe there is a need for expert advice and support to be provided on a national basis to ensure consistency, accuracy and efficiency of advice.
- Community and Town Councils should be made aware of, and have increased access to, alternative sources of funding. In addition, we recommend the Welsh Government should explore how the transfer of funding and income related to place-based services taken on by Community and Town Councils can be achieved.
- **A core package of training should be mandatory for all councillors and that this mandatory training is repeated regularly (every election term).**
- We recommend against having dual members, regardless of the types of councils and that County councillors should regularly attend Community and Town Councils within their wards (in ex-officio capacity) to ensure engagement.
- We recommend that Community and Town Councils should look to share back office functions.
- We recommend Community and Town Councils explore digital mechanisms to aid ways of meeting, engaging and sharing information.
- We recommend all Local Authorities should have regular partnership forums with Community and Town Councils and that all Local Authorities should have a dedicated liaison officer for liaising with Community and Town Councils in the region.

Community and Town Councils – How they are held to account

- We recommend that Welsh Government support vibrant elections with a national campaign encouraging people to step forward to represent their communities. We also recommend Welsh Government explore a free post for Community and Town Councils.
- We believe that elections should be called regardless of whether seats are contested.
- We recommend that councillors cannot be co-opted for more than a one consecutive term.
- We believe more should be done to encourage diversity as part of the national campaign.
- We recommend that if the national voting age is lowered, the age you can become a Community and Town Council Councillor should be lowered to the same age.
- **Community and Town Councils should follow a cycle of engage, plan, undertake and report.**
- We recommend that all Community and Town Councils should provide an information leaflet with their precept notification.
- **All Community and Town Councils should have a duty to report annually.**
- We believe, all Community and Town Councils should be legally required to hold at least one public (community / town) meeting per year.
- We recommend Community and Town Councils utilise social media as a key mechanism by which to involve their community on an ongoing basis.
- We believe that the audit regime developed by the Wales Audit Office is proportionate for Community and Town Councils. We recommend more support is provided to smaller Community and Town Councils in order to help them fulfil audit requirements.
- We believe that the existing process for complaints about code of conduct is sufficient, but sufficient resources need to be in place to ensure these complaints are dealt with promptly.
- We recommend that for the protection of other councillors, and of staff and for conducive running of the council that current behaviour is considered as being a factor in 'Qualification for Office'.
- We believe, if Community and Town Councils take on the role we envisage for them, there should be some degree of safeguarding measures in place.

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