

CTC 02

Ymgynghoriad ar rôl, llywodraethiant ac atebolwydd y sector cyngorau tref a chymuned

Consultation on the role, governance and accountability of the community and town council sector

Ymateb gan: Cymdeithas Llywodraeth Leol Cymru

Response from: Welsh Local Government Association



Title: WLGA Evidence: Role Governance and Accountability of the community and town

Recipients: Local Government and Housing Committee

Author: Paula Walters, Interim Head of Corporate Policy and Services, Cerith Thomas, Improvement Officer (Democratic Services)

Email address: paula.walters@wlga.gov.uk, Cerith.thomas@wlga.gov.uk

About Us

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.

The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.

The WLGA works closely with and is often advised by professional advisors and professional associations from local government, however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales. Our goal is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

We achieve our vision by:

- a) Promoting the role and prominence of councillors and council leaders
- b) Ensuring maximum local discretion in legislation or statutory guidance
- c) making the case for long-term and sustainable funding for councils
- d) Promoting sector-led improvement
- e) Encouraging a vibrant local democracy, promoting greater diversity
- f) Supporting councils to effectively manage their workforce

Background

The Committee's terms of reference are to examine:

- The role and value of community and town councils in Wales;
- Whether the sector is fit for purpose in an evolving local government landscape;
- Governance and scrutiny arrangements and its impact on accountability and transparency;



- Scope of digital and new technology to improve decision-making, service provision and participation in local democratic processes;
- How new powers and responsibilities for this tier of government are utilised to support communities.

The WLGA has agreed to give evidence to the Committee on 14th November 2024 in support of its Inquiry into the role, governance and accountability of the community and town council sector. The Clerk to the Committee has provided a helpful steer in terms of where the WLGA can add value to the Inquiry. Therefore, our submission and evidence will focus aspects relating to standards, including interactions with local authority monitoring officers and standards committees.

The evidence session will be attended by:

- Councillor Anthony Hunt, Leader, Torfaen Council
- Justine Cass, Deputy Monitoring Officer and Solicitor, Torfaen Council
- Clive Wolfendale, Chair of the National Standards Committee Chairs Forum

However, in relation to the Committee's Terms of Reference we offer the following comments about the relationship between WLGA and One Voice Wales (OVW) and the important role played by community and town councils in Wales:

- In Wales, town and community councils play a crucial role in representing local interests and delivering community-focused services. Although they have limited powers, they are the most localised form of government and significantly contribute to the quality of life and the democratic representation of small towns and rural areas across Wales.
- The WLGA does not have a direct role with community and town councils but works closely with OVW as the national representative body of community and town councils.
- Local authorities' relationships with community and town councils vary significantly, some have effective relationships based on regular, informal interaction whereas others are underpinned by formal agreements or charters, SLAs and meet regularly through joint liaison forums. The WLGA and One Voice Wales encourage the development of charters to provide clarity between both partners local about expectations of engagement and partnership as well as encouraging mutual understanding of respective roles and aspirations.
- The WLGA has long argued that local public services must be provided within a democratic framework and that services are best provided when those who use them are directly involved in how they are delivered, managed and planned. Local government is the tier of government closest to public service users and councils should be empowered to deliver those services more effectively and efficiently over the coming years.



- Councils have collectively demonstrated flexibility, innovation, resilience and responsiveness and especially during the COVID pandemic. The crisis demonstrated councils' ability to respond and reaffirmed the importance of subsidiarity and localism, with elected members and the workforce deeply rooted in their local communities.

Community and town councils' functions can be summarised into these key roles which encapsulates the breadth of activity community and town councils undertake:

- **Community Representation or community voice** – they are well-placed to provide a voice for their communities, although they do this alongside county councillors and other representative groups. Councils advocate for their communities in discussions with county councils, the Welsh Government, and other agencies, ensuring that local priorities are considered in broader regional and national planning.
- **Place Shaping, engaging the community and providing a catalyst for community development** – councils and councillors play a key role in bringing community groups and partners together, to shape the community, articulate ambition and develop a vision for the community. Councils are statutory consultees for local planning applications. This means they provide input on applications, often advocating for developments that align with local interests or opposing projects that may harm community character or resources.
- **Delivery of community services and or management of community assets** – councils' ambition and capacity vary enormously, but many are increasingly exploring approaches to maintain or enhance a range of community services. The level of services these councils deliver vary across Wales, and whilst some are content with largely acting in a representative role, many also deliver a range of services on behalf of the community such as:
 - maintenance of community halls
 - bus shelters
 - public spaces
 - playgrounds
- **Supporting Community Wellbeing and Cohesion** - Town and community councils often organize or support events that strengthen community identity, such as local fairs, carnivals, and cultural festivals. Councils commonly provide grants to local community groups, sports clubs, and other grassroots organizations, supporting social cohesion and enhancing residents' quality of life.
- **Enabling Participatory Democracy** - Town and community councils encourage civic participation by inviting residents to attend meetings, voice



opinions, and even stand for election. This fosters a sense of ownership and accountability within the community. In times of crisis, such as during the COVID-19 pandemic, many councils were instrumental in coordinating support for vulnerable residents, demonstrating their value in enhancing local resilience.

Many councillors in parts of Wales are also town or community councillors for their area. It is important that councillors and town and community councillors work together in representing their communities and, likewise, councils and town and community councils are encouraged to work closely together and may hold regular liaison meetings and have established protocols on communication and consultation arrangements.

At a national level, WLGA and OVW work together to promote local democracy and encourage partnership working and sharing of best practice between local councils. In 2013, the WLGA and OVW agreed a Memorandum of Understanding (MoU), which reflects many of the principles of engagement and partnership that feature in local Charter agreements (Appendix A).

The MoU has recently been refreshed and launched at the OVW Annual Conference in October 2024. The MoU sets out how WLGA and OVW will work together to promote local democracy and sustainable public services in Wales.

WLGA – Supporting councils in Wales to promote and maintain standards of behaviour.

Code of Conduct

Councillors in both principal councils and community and town councils are bound by a code of conduct which is designed to promote high ethical standards and integrity in public office, ensuring that councillors act responsibly, transparently, and in the best interests of the public. The code is set out under the Local Government Act 2000 and Local Authorities (Model Code of Conduct) (Wales) Order 2008, with additional guidance provided by the Public Services Ombudsman for Wales (PSOW).

Breaches of the Code of Conduct are investigated by the Public Services Ombudsman for Wales and may be referred to the council's Standards Committee or the Adjudication Panel for Wales. Sanctions for breaching the Code can range from censure or suspension to disqualification from office, depending on the severity of the violation.

Standards Committees

- Standards Committees have been a formal part of Welsh local government since the early 2000s. Their establishment was driven by the Local Government



Act 2000, a piece of UK legislation that aimed to promote ethical standards across public bodies, not only in Wales but also in England. The Act mandated local councils to adopt codes of conduct and set up independent standards committees to oversee these codes.

- Standards Committees of principal councils maintain and uphold high ethical standards among its own members and members of community and town councils, and to assist them to observe their code of conduct. They play a vital role in ensuring transparency, accountability, and trust in public office
- Standards Committees in Wales generally include a mix of elected council members, independent members (often citizens with no political ties), and sometimes town or community council members, providing a balanced perspective and minimizing conflicts of interest.

The National Standards Committee Forum

In order to encourage consistency of approach and the adoption of best practice across Wales a National Standards Committee Forum was established. The purpose of the Forum is to share best practice and problem solving in relation to the work of Standards Committees in Wales.

It was established from a recommendation of the Penn report on the ethical framework regime in Wales. The report commented on the variety of practice across Wales on how standards committees discharged their duties.

Composition - the Forum is a voluntary members association attended by the Chairs of Standards Committees of local authorities in Wales, 3 Corporate Joint Committees (CJCs) the 3 Fire and rescue authorities and the 3 national parks. The Chair and Vice Chair are chosen by the Forum members.

Forum meeting arrangements - the secretariat is provided by the WLGA, it is advised on a voluntary basis by a Deputy Monitoring Officer and meetings are held online every 6 months. Agenda items are put forward by the Monitoring Officer Governance Group (MOGG) and by the Forum members. The Forum also receives verbal updates and presentations on relevant standards related matters that are intended to continuously develop and support standards committee chairs. This includes updates from the Public Services Ombudsman for Wales on code of conduct cases. The notes of the meetings may be shared by the chairs with their standards committees. They are anonymised to ensure that individual members and councils cannot be identified.

Engaging with Town and Community Councils and One Voice Wales -

Standards Committee Chairs have attended community and town council meetings in a number of areas as part of their duty to promote and maintain high standards of conduct. The Forum enables them to share their experiences and best practice. The Forum has engaged with One Voice Wales, the principal organisation for community councils in Wales, and received a presentation from Paul Egan, the association's Deputy Chief Executive on:



- Information about the support offered by One Voice Wales to its community and town councils.
- The resources and support it had to offer Town and Community Councils in relation to standards of behaviour.
- The training offered on behaviour / code of conduct for members. Including method of delivery, frequency of sessions held, and the cost.
- The support offered to community and town council clerks and members with reference to a local resolution protocol that is encouraged by the Public Services Ombudsman for Wales.

The voluntary structure in place has allowed the Forum to discuss problem solving and best practice, amongst the chairs, the learning from which has been shared with their respective standards committee members.

Some examples of learning and development activity organised for members of the Forum include:

- Presentation to the Forum by Professor Mark Philp Chair of the Research and Advisory Board for the Committee on Standards in Public Life, (CSPL)
- Chairing skills provided by a WLGA Improvement Officer
- Corporate Joint Committees (CJCs) – Ethical framework and standards sub-committees provided by a Head of Legal Services and Monitoring Officer from the Monitoring Officers Group Training on conduct hearings provided by a qualified legal practitioner from GOVTC, a trusted provider of governance training to local government
- The Public Services Ombudsman for Wales, Michelle Morris, attends all meetings of the Forum to provide a casework update for members,
- In June 2024 the outgoing Chair of the Adjudication Panel for Wales, Judge Claire Sharp, shared with Forum members the areas she focuses on when deciding whether to permit an appeal against a decision by a standards committee and common failings.
- At the request of the Forum, a presentation from Paul Egan, Deputy Chief Executive of One Voice Wales (OVW) on the areas outlined above.

Democratic Health Task and Finish Group

The WLGA has also supported the Democratic Health Task and Finish Group established in a written statement on 26 April 2023, by the then Minister for Finance and Local Government, Rebecca Evans MS. The group was established after an



analysis of the May 2022 elections for Town and Community Councils in Wales revealed concerns around the level of engagement communities and their councils.

- Only 22% of the 7,883 seats were contested.
- 62% of seats were uncontested, meaning that no election was held.
- 16% of seats were unfilled, to be filled through further election or by co-option.

The terms of reference for the group were to:

- Improve the awareness and engagement between communities and their community councils, and
- Increase the number, and diversity of candidates standing for election to town and community councils.

The group was to join up with related ongoing work on electoral reform and improving diversity in democracy. The Group is chaired by the Chief Executive of the Local Democracy and Boundary Commission for Wales and other members included:

- The Chair of One Voice Wales
- Cardiff University
- Chief officer of Pembrokeshire Association of Voluntary services
- Business in the community Cymru
- University of Wales trinity Saint David

The group was supported by officials from Welsh Government, One Voice Wales and an officer from the WLGA Improvement Team. It was initially tasked to respond within 9 months however, this was extended to allow it to gather further evidence to inform its report and we understand this will be submitted to the Minister during October 2024.

The final report is likely to be considered by the Minister during the Autumn. Given the similarities between its terms of reference and the call for evidence from the Senedd Cymru's Local Government and Housing Committee's inquiry into the role, governance and accountability of the community and town council sector, there may be an opportunity to benefit from the work that has been carried out in this area. We appreciate the Committee may already be aware of this and mention it here for completeness.

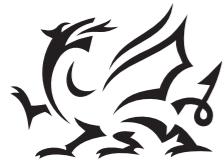


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Memorandum of Understanding WLGA and One Voice Wales





Memorandum of Understanding

This Memorandum of Understanding is a statement of the working relationship and partnership between One Voice Wales and the Welsh Local Government Association. It sets out how both organisations will work together and with their membership to promote and support local democracy and public services.



One Voice Wales

24c College Street
Ammanford
Carmarthenshire
SA18 3AF
01269 595400
www.onevoicewales.org.uk

Welsh Local Government Association (WLGA)

One Canal Parade
Dumballs Road
Cardiff
CF10 5BF
029 2046 8600
www.wlga.gov.uk

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Introduction

The Welsh Local Government Association and One Voice Wales agreed on a Memorandum of Understanding in 2013 in order to promote partnership and co-operation between the two statutory sectors of local government in Wales.

The Welsh Local Government Association represents the interests of the unitary authorities in Wales, having the role to promote better local government and to support authorities in the development of policies and priorities which will improve public services and democracy.

The Welsh Local Government Association represents all 22 unitary councils in Wales and the three fire and rescue authorities and the three national park authorities are associate members. One Voice Wales represents the interests of the community and town councils in Wales, being the body recognised by the Welsh Government to promote local democracy and deliver services by these bodies at a community level.

One Voice Wales comprises a network of over 670 member councils and in turn, over 7350 individual councillors. These member councils make up over 92% of the community and town councils in Wales, and the sector itself covers the vast majority of the country, with very few areas not covered by these local councils.

The Welsh Local Government Association and One Voice Wales will work together to promote local democracy and sustainable public services in Wales and encourage partnership and mutual support amongst their member authorities.

They will:

- respect the mutual commitment to delivering the best outcomes for local communities.
- understand the different frameworks, structures and constraints in which the respective tiers of local government have to operate.
- recognise the changing political, legislative and financial context in which the agenda for local democracy and public services is driving forward.
- identify areas for improvement across the sectors in order to maximise the use of resources and to avoid unnecessary duplication of functions in the delivery of quality services.
- identify areas of joint work, where capacity and resources can be effectively coordinated to deliver complementary activity (such as member development) or specific policy or project work.





Principles

The Welsh Local Government Association and One Voice Wales will work in partnership based on the following key principles:

- to demonstrate mutual respect and understanding of each organisation and their membership's circumstances, perspectives and priorities.
- to engage in meaningful communication and liaison between each other on behalf of the two respective sectors.
- to manage expectations and to set realistic and proportionate responses to any emerging challenges, priorities or proposals for joint activity.
- to agree manageable timescales for any necessary changes in the work or in the culture of relationships planned as a result of this partnership.
- to share relevant information and good practice as a means of enhancing the effectiveness of each other's operations which will be to the overall benefit of communities and towns throughout Wales.

Partnership

The membership of the Welsh Local Government Association and One Voice Wales meets through the statutory Partnership Council.

The leadership of the Welsh Local Government Association and One Voice Wales will also meet on a bilateral basis biannually to discuss areas of mutual interest, to consider strategic issues regarding local government and to agree to an ongoing programme of joint activity.

The Chief Executives and/or other officials will meet regularly and will be in ongoing dialogue regarding sharing intelligence and policy initiatives as well as managing any programme of joint activity.

Joint Work

A programme of joint work will be considered and agreed annually at the beginning of each financial year, to identify common policy interests and agree complementary or joint activities or project work. The programme of activity will be agreed at a bilateral meeting of the two organisations' leadership.

To support the joint working arrangements, there will be 2 leadership meetings and 3 officer meetings each year.

The specifics of any programme of joint work will be agreed annually, but may include the following exemplars:

- development of charters and communication and consultation between member councils,
- protocols and relationships between elected members,
- promoting collaboration and joint work within and between the tiers of local government
- seeking to avoid duplication of service delivery and explore delegation and devolution of services and associated funding or financial considerations for councils.

In addition to working in harmony and respecting and supporting each other's agendas, the Welsh Local Government Association and One Voice Wales will also seek ways of working closer together and of developing potential joint projects or other partnership activities.

An example might be working together to develop new training programmes for member councils.

Set out below are some examples of joint work already being undertaken and/or planned for 2024/25.





WLGA and One Voice Wales Agreed Areas of Mutual Interest and Joint Working 2024/25:

- Work together on actions arising from the Democratic Health Task and Finish Group (due later 2024).
- Work together on actions arising from the Cabinet Secretary's programme on tackling abuse in politics.
- Continued joint work on:
 - › the Community and Town Council Digital Health Programme.
 - › the Local Places for Nature programme.
 - › National Training and Advisory Group (NTAG) which includes WLGA representation.
 - › OVW National Awards Scheme.
 - › Climate Strategy panel.
 - › Resourceful Community Partnership.
- Collaboration and Partnering - a joint seminar to share practice; joint letter from the Leader of WLGA and Chair of OVW encouraging collaboration; OVW having a conference spot at the WLGA annual conference in 2024 to highlight the role of Community and Town Councils in delivering sustainable place-based services and to launch a refreshed MoU.

- Further discussions on:
 - › the role of Community and Town Councils and place-based services.
 - › the development of Charters between the two tiers.
 - › addressing election costs for Community and Town Councils.
 - › the Community Asset Transfer agenda in light of the Ministerial Commission in 2024-25 and re-worked Ystadau Cymru sub-groups.
 - › relationships between County Councillors and Community Councillors on the ground.
 - › encouraging more commonality in the approach to community boundary reviews and WLGA and OVW working together on the provision of support for councils affected by boundary reviews.
 - › WLGA working with OVW to encourage the creation of councils in those areas not having the benefit of a local council.
 - › opportunities for further joint working on existing areas of interest for both organisations and members, for example, the cost-of-living crisis. WISERD (support for strong liaison between local government and Welsh academia); Code of Conduct Training for UA's by OVW; Annual Conference; promoting vacancies for Community and Town Council Clerks, procurement of services from local authorities e.g. legal advice and IT.

CLIC ac Un Llais Cymru Meysydd o Diddordeb a Chydwetithio y cyfleoedd ar ymddynt 2024/25:

Yn ogystal a gweithio'n gyflun a pharcu
a chefnogi rhagleni ei giliad, bydd
Cymdeithas Llywodraeth Leol Cymru
ac un Llais Cymru hefyd yn chwilio
am ffryd o gydweithio'n agosach gan
ddatblygu prosiectau ar y cyd posibl neu
wetblygu prosiectau partneriatech eraill.
Un engħaraffit bosi bl fiddi cydweithio i
gyfer aelod-gyngħorau.
Buddi rħagħien o waith ar y-cydweithi
am ffryd o gydweithio'n agosach gan
ddatblygu prosiectau ar y cyd posibl neu
wetblygu prosiectau partneriatech eraill.
Buddi rħagħien o waith ar y-cydweithi
nodi budiannu polis cyfrerin gan gytni
ar wetħgarredda nneu waith prosiect
atiegħi neu ar y-cyd. Cytni ar y-rħagħen
ar wetħgarredda nneu waith prosiect
ar wetħgarwach mewn cyfarrod dwy়or o
wetħgarwach mewn cyfarrod dwy়or o
2 gyfarrod arweiniddiæt a 3 cyfarrod
swiddog bob blwyddyn.

Cytni y-n fylyaddol ar fanylion unħiyy
engħrifflu canlynol:
• datblygu sistareri gan gyfathrebu ac
ymgħugħori rhwng aelod-gyngħorau,
• protocolu a chysylliadau rhwng
aleloodu etħolledi,
• rhyngħaddi u
o fewn haenu llywodraeth leol a
hyrwyddo gwaith ar y-cyd a chydweithi
ceisio osgoi dyblu darpariæt
a datgħanoli gwasanġaethu ac
ystryafeethu ariannol cyssyllitedig ar
gyfer cyngħorau.

Partnereiætħ

Bydd Cymdeithas Llywodraeth Leol
mewni partnereiætħ ar sail yr egwyddorion
Cymru ac Un Llais Cymru yn gweithio
allmeddol canlynol:

• danġos parċi a ddealltwiriaeth o
bob sefyllid ac o amgħilċiadau,
safbwu ntila a blaenoriatħeu eu
ħaġġid. Cymru ac Un Llais Cymru hefyd yn
cyfarrod ddywawithi fywyddiġ i drarod
meyssyd o ddiċċorċeb, iystried matierien
arweinwyry ddau sefyllid.

• gyatnou ar rħagħen barħaus o wetħgarwach ar
strategiun yngħiż llywodraeth leol aci
y-cyd.

Bydd Prif Weħħredwyr a/neu swyddogion
erall y-n cyfarrod yn rheolaid a bgyaddant yn
engħrifflu canlynol:
• datblygu sistareri gan gyfathrebu ac
ymgħugħori rhwng aelod-gyngħorau,
• protocolu a chysylliadau rhwng
aleloodu etħolledi,
• rhyngħaddi u
o fewn haenu llywodraeth leol a
hyrwyddo gwaith ar y-cyd a chydweithi
ceisio osgoi dyblu darpariæt
a datgħanoli gwasanġaethu ac
ystryafeethu ariannol cyssyllitedig ar
gyfer cyngħorau.

• rhanu gwybodet bermħasol ac arfer
da fei modd o wella effeithiaww
berħħnas oħħek u qiegħi u qiegħi
għiex ar gyfer għewiġi kien iż-żebi.

• għanji nistax iż-żebi u qiegħi u qiegħi
għiex ar gyfer għewiġi kien iż-żebi.

• rhanu għixx u qiegħi u qiegħi
għiex ar gyfer għewiġi kien iż-żebi.

• għiex ar gyfer għewiġi kien iż-żebi.



Gwaith ar y-cyd



Egwyddorion

Bydd Cymdeithas Llywodraeth Leol
mewni partnereiætħ ar sail yr egwyddorion
Cymru ac Un Llais Cymru yn gweithio
allmeddol canlynol:

• danġos parċi a ddealltwiriaeth o
bob sefyllid ac o amgħilċiadau,
safbwu ntila a blaenoriatħeu eu
ħaġġid. Cymru ac Un Llais Cymru hefyd yn
cyfarrod ddywawithi fywyddiġ i drarod
meyssyd o ddiċċorċeb, iystried matierien
arweinwyry ddau sefyllid.

• għiex ar gyfer għewiġi kien iż-żebi.



CLIC ac Un Llais Cymru Memorandum o Ddealltwriadeth