

Ymgynghoriad ar rôl, llywodraethiant ac atebolwydd y sector cynghorau tref a chymuned
Consultation on the role, governance and accountability of the community and town council sector
Ymateb gan: Cyngor Tref Llangollen
Response from: Llangollen Town Council

Llangollen Town Council's Written Evidence to the inquiry into the role, governance and accountability of the community and town council sector.

Introduction

Llangollen Town Council appreciates the opportunity to respond to the consultation on the role, governance and accountability of the Community and Town Council sector and wishes to comment on each of the elements to be consider within the terms of reference for the inquiry as detailed below. The Town Council looks forward to further discussions on this important initiative to ensure any future changes benefit the sector.

The role and value of community and town councils in Wales.

Community and Town Councils are the first tier of local government, providing a direct link between residents and decision-makers. Councillors represent the views and needs of their constituents, ensuring that local voices are heard in broader governmental discussions. They manage and deliver essential local services provision of a wide range of public services and amenities, as is detailed in the Good Councillors guide, append, which was revised in 2022 by the former Minister for Finance and Local Government, Rebecca Evans MS

Community and Town Councils are a fundamental part of the local government system in Wales and play an important role in the life of Welsh communities. They have considerable potential to develop their role, to play a larger part in the provision of services and amenities and more effectively to represent the interests of their communities. They foster community spirit by encouraging participation in local initiatives by facilitating dialogue between residents and local authorities, helping to build a sense of belonging and ownership within communities. Building on this interaction councils are able to drive economic development by supporting local businesses and initiatives and create opportunities for local entrepreneurs and stimulate economic growth.

In addition, Community and Town Councils are well-placed to lead sustainability initiatives. By promoting local environmental projects and encouraging responsible practices, the sector can contribute to the well-being of the sectors communities and the preservation of the sectors natural resources. Community and Town Councils enhance democratic participation by providing platforms for residents to engage with local governance. This encourages transparency and accountability, vital for a healthy democracy. They play a crucial role in preserving and promoting local culture and heritage.

The sector actively collaborates with other local organisations, charities, and government bodies, amplifying their impact on community well-being. These partnerships enhance the sectors capacity to address complex challenges and leverage additional resources. In times of crisis, such as the COVID-19 pandemic, the

sector has demonstrated its ability to respond swiftly using adaptability and local knowledge allowing it to mobilise reserves and resources to support residents.

Whether the sector is fit for purpose in an evolving local government landscape.

As frontline representatives of the sectors communities, Community and Town Councils are committed to ensuring the sector remains relevant, effective, and responsive to the needs of the residents. They provide a crucial link between residents and higher levels of government. The sector is accessible, enabling residents to voice concerns and influence decision-making in a direct and meaningful way and is adept in delivering diverse services that reflect the unique needs of their communities. From local events to maintenance of public spaces, the sector's focus is on enhancing community well-being and fostering civic engagement through various initiatives and events, strengthening communities and encouraging participation in local governance.

However, while Community and Town Councils strive to meet local needs, funding constraints can hinder the sector's ability to expand services or invest in long-term projects. Increased financial support is essential to enhance the sectors capacity. As communities evolve, so do their needs. Community and Town Councils have and must adapt to address issues such as housing and population growth, service delivery, and environmental sustainability. This requires continuous training and support for Councillors and staff.

There has been some disconnect between Community and Town Councils and larger local government frameworks but through strengthened collaboration with county councils and other agencies the sector has ensured that community voices are integrated into broader planning and decision-making processes. The sector firmly believes that, with the right support and resources, community and town councils can continue to be fit for purpose in an evolving local government landscape. Community and Town Councils are committed to adapting and enhancing the sectors' role to serve their residents effectively.

The current system provides both the legislative framework and a proven record of delivery. It allows the most pro-active councils to make a real difference to their communities through a wide range of imaginative initiatives. A number of councils have been willing to take on devolved services which have included asset transfers and are more than capable of undertaking major projects.

The key factors standing in the way of Community and Town Councils are twofold, the size of the council and the willingness of principle authorities to delegate functions or to work cooperatively. Principal councils and the Welsh Government should encourage and support all Community and Town Councils to take advantage of the opportunities open to them and should formalise relationships between Community and Town Councils and other bodies.

Many are party to charters with their respective principal councils but unfortunately whilst the aim of a charter is to define and enhance the existing relationship between the

respective tiers of local government unfortunately, in practice much of the aspects of the charter are not adhered to. This is particularly relevant in that Community and Town Councils have a statutory ability to deliver concurrent functions held jointly with county and county borough councils.

Governance and scrutiny arrangements and its impact on accountability and transparency.

Community and Town Councils operate under a clear governance framework defined by local and national legislation. This includes adherence to the Local Government Act 1972, which sets out the roles and responsibilities of councillors, ensuring that decision-making processes are transparent and accountable.

Strong and effective corporate governance is key to the future success of Community and Town Councils. They must always ensure that they have the mechanism in place to ensure efficient and effective operation. This should be supported by adequate financial and staff resources, supported by evidence of good practice, to ensure that all communities in Wales are able to benefit from strong local-level councils.

More robust Community and Town Councils would then be able to consider greater delegation of responsibilities for concurrent functions from principal authorities, which at present is currently limited. Town and Community Councils should also engage closely with their local communities and support the empowerment of citizens to become more involved with service delivery and to challenge poor practice.

Community and Town Councils' hold regular meetings, allowing residents to attend, engage in discussions, and raise concerns. This practice not only enhances transparency but also empowers citizens to participate actively in local governance. The sector also uses committee systems to focus on specific areas, such as finance, planning, and community services, which allows for more detailed scrutiny of decisions and policies. These committees are accountable for their recommendations, enhancing the overall governance framework.

All Community and Town Councils are now required to produce annual reports detailing the sectors activities an additional layer of scrutiny, ensuring financial accountability and transparency in the sectors operations.

This effective governance and scrutiny arrangements build public trust. When residents see transparent processes and understand how decisions are made, their confidence in local governance increases. Public participation in council meetings and decision-making processes empowers residents, making them feel more connected to local governance. This involvement encourages civic responsibility and engagement.

The scrutiny of decisions through committees and public feedback leads to better-informed decisions and greater responsiveness to community issues. Community and

Town Councils can adapt policies based on community input, ensuring that the needs of residents are prioritised and that there is transparency in operations. When residents can access information about council activities, the public can hold their representatives accountable, fostering a culture of openness. By fostering this open and participatory environment, Community and Town Councils strengthen the sectors connection with the community and ensure that their voices are integral to local decision-making.

Scope of digital and new technology to improve decision-making, service provision and participation in local democratic processes.

The sector has embraced the potential of digital and new technology to enhance the sectors decision-making, improve service provision, and increase participation in local democratic processes. By embracing these advancements, Community and Town Council have more engaged and empowered communities, which has resulted in better governance.

Technology has, and will continue, to improve the management of Community and Town Council resources, such as scheduling maintenance for public spaces or tracking service requests. This leads to more efficient use of funds and improved service delivery. Digital technology enables the provision of services online, enhancing accessibility for residents, such as reporting issues, requesting services, and access information, reducing the need for in-person visits.

The sector uses digital platforms for community engagement. Channels, such as newsletters, social media, and mobile apps, keep residents informed about council activities, decisions, and provide opportunities for involvement, fostering more engagement with the electorate.

In turn this provides for more inclusive involvement with the public and has facilitated quicker and more inclusive feedback on council initiatives and proposals. Community and Town Councils must continue to embrace a range of media and consultation techniques to break down traditional barriers to participation. Additionally, the use of video conferencing tools allows residents to participate in council meetings remotely, increasing attendance and engagement. This is particularly important for those who may face barriers to attending in person.

Implementing digital platforms has streamline decision-making processes. Online tools for document sharing, collaboration, and real-time communication among have improved efficiency and transparency in discussions.

However, whilst digital technology offers many benefits, it is crucial to address the digital divide that exists in some communities. It is imperative to ensure that all residents have equal access to technology, which is not always the case, and digital literacy programs are essential to avoid excluding vulnerable populations.

How new powers and responsibilities for this tier of government are utilised to support communities.

As the sector navigates the evolving landscape of local governance, Community and Town Council are committed to using these powers to enhance the well-being of the local resident population to foster sustainable community development. The devolution of powers enables the sector to engage residents more actively in decision-making processes. By involving community members in discussions around local priorities, Community and Town Council empower them to shape the future of their own neighbourhoods.

With enhanced powers Community and Town Council can influence local projects that align with the aspirations of the sectors community. This includes participating in consultations and advocating for developments that benefit the sectors residents, such as affordable housing and sustainable infrastructure. The duty under the Environment (Wales) Act 2016 has allowed the sector to promote environmentally friendly practices. Initiatives like community gardens, recycling programs, and energy efficiency projects contribute to a greener, healthier community.

New responsibilities have also empowered the sector to customise services that address the unique needs of local residents. The Community and Town Council have effectively managed local amenities, ensuring they are maintained and enhanced based on community feedback. They have, and continue to, acquire building and facilities via assets transfers from principal councils.

The empowerment of the sector has resulted in higher levels of resident engagement. Through initiatives such as public consultations and community workshops, the sector has fostered a greater sense of ownership among residents regarding local issues and projects. In addition, the ability to collaborate with other local authorities, organisations, and stakeholders has strengthened the sector's capacity to support community initiatives. By working together, 'councils can pool resources and expertise to address complex challenges that affect residents. This expansion of grassroots leadership has inspired more individuals to become Councillors.

Whilst the recent changes to legislation are welcomed by the sector, the underlying legislation the Local Government Act 1972, which at its time was a major milestone in the history of local government in the UK by redefining the procedures, structures, duties and geographies of all English and Welsh councils, is however over 50 years old. The White Paper that preceded the enactment stated that "local authority areas should be related to areas within which people have a common interest – through living in a recognisable community, through the links of employment, shopping or social activities, or through history and tradition." This ethos remains at the core of service delivery for Community and Town Councils, but the Act is outdated given the many

changes in society and local government in Wales since 1972. New models more appropriate to Wales must be explored.

The sector is also unique in that unlike principal councils in Wales, such as County or County Borough Councils, Town and Community Councils operate under a different financial structure. Principal councils receive funding from a variety of sources, including the Revenue Support Grant (RSG) and re-distributed Business Rates. The RSG is provided by the Senedd to help principal councils cover the costs of local services, ensuring they have sufficient resources to meet the needs of their communities. Re-distributed Business Rates are also an important source of funding, with business rates collected across Wales being pooled and then redistributed to local authorities based on their needs and population.

However, Town and Community Councils do not have access to these funding streams. Instead, their sole source of funding is through the precept, a charge levied on residential properties within the council's area. This precept is a part of the overall council tax bill that residents pay, but it specifically funds the activities and services provided by the Town or Community Council. The amount of the precept is determined by the Town or Community Council based on their budgetary needs and is collected by the principal council on their behalf as part of the overall council tax.

This funding model places Town and Community Councils in a unique position compared to principal councils. Since they rely entirely on the precept, their financial capacity is directly linked to the tax base of their community, primarily the number and value of residential properties. This can limit the scope of services or projects they can provide, especially in smaller or less affluent communities. Moreover, any increase in the precept is typically subject to local scrutiny, as it directly affects residents' council tax bills, which may constrain the council's ability to raise funds for additional services.

Therefore traditionally Town and community councils, while playing an important role in local governance, tend to focus on more localized services and projects like maintaining parks, community centres, and supporting local events. Their funding model reflects this narrower remit but also underscores their greater dependence on the support of the local community through the precept.

Appendix

Welsh Government: The good councillor's guide For Community and Town Councillors published June 2022

Activity	Powers and Duties	Statutory Provisions
Annual report	Duty to publish an annual report about council priorities, activities and achievements.	Local Government and Elections (Wales) Act 2021, Section 52.
Annual meeting of the council	Duty to hold	Local Government Act 1972, Schedule 12, paragraph 23
Allotments	Powers to provide allotments Duty to provide allotment	Small Holdings and Allotments Act 1908, s23
Attendance at meetings by persons not in the same place	Duty to ensure meetings can take place virtually or partially virtually	Local Government and Elections (Wales) Act 2021, Section 47
Borrowing	Subject to Welsh Ministers' consent power to borrow money for capital purposes	Local Government Act 2003 Schedule 1 para 2
Burial grounds, cemeteries and crematoria	Power, as a burial authority, to acquire and provide with a duty to maintain Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss. 9 and 10 Parish Councils and Burial Authorities (Miscellaneous) Act 1970, s.1 Local Government Act 1972, s. 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4
Bye Laws	Power to make byelaws for: Mortuaries and post mortem rooms Pleasure grounds Parking places Open spaces and burial grounds	Public Health Act 1936, s.198 Public Health Act 1875, s.164 Road Traffic Regulation Act1984, s.57(7) Open Spaces Act 1906, s.15
Charities	Powers regarding local charities	Charities Act 2011, Part 15
Christmas Lights	Power to encourage visitors	Local Government Act 1972, s.144
Citizens Advice Bureau	Power to support Citizens Advice Bureaus	Local Government Act 1972, s.142 (2A)
Climate change	Power to promote local energy saving measures	Climate Change and Sustainable Energy Act2006, s.20

Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Code of conduct	Duty to adopt a code of conduct Duty on councillors to comply with the code of conduct	Local Government Act 2000, s. 51 Local Government Act 2000, s. 52
Common land and village greens	Power to protect common land and village greens where the owner is not registered	Commons Act 2006, s.45
Community centres	Power to provide buildings for use of clubs having athletic	Local Government Act 1972, s.133 Local Government (Miscellaneous
Community meetings	Power to convene and duty to give notice	Local Government Act 1972, Schedule 12, paragraphs 30, 30D and 30E
Community polls	Power to organise a community governance poll (no other polls are permitted)	Local Government and Elections (Wales) Act 2021, s162 and Schedule 13
Conference facilities and exhibitions	Power to provide facilities	Local Government Act 1972, s.144
Co-option of members	Powers to co-opt persons to fill vacancies Duty to advertise	Representation of the People Act 1985, s21 Local Elections (Parishes and Communities) (England and Wales) Rules 2006,
Crime prevention	Powers to spend money on various crime prevention measures Duty to exercise functions with regard to the effect on crime and disorder	Local Government and Rating Act 1997, s.31 Crime and Disorder Act1998, s17
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Power to provide entertainment and support to the arts including festivals and celebrations	Local Government Act 1972, s.145
Environment (keeping it safe)	Duty to promote and enhance biodiversity	Environment (Wales) Act2016 Section 6
Finance	Duty to make arrangements for the proper administration of the council's financial affairs and to secure that one of their officers has responsibility for the administration of those affairs	Local Government Act 1972, s151
	Duty to make a budget	Local Government Finance Act 1992,

	<p>calculation</p> <p>Power to issue a precept to a billing authority</p> <p>Duty to keep accounts for audit</p> <p>Power to make financial contributions etc for the purpose of BID projects</p>	s.50 Local Government Finance Act 1992, s.41 Accounts and Audit (Wales) Regulations 2014 Local Government Act 2003, ss. 43,58
General power (s137)	Power to incur expenditure for certain purposes not otherwise authorised	Local Government Act 1972, s. 137
General power of competence	<p>Power to do anything that individuals generally may do (for eligible councils only).</p> <p>Power to restrict the power of local authorities to incur expenditure for certain purposes not otherwise authorised to councils that are not eligible community councils</p>	Local Government and Elections (Wales) Act 2021, Section 24. Local Government and Elections (Wales) Act 2021, Section 37 and Part 2 of Schedule 3
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Highways	<p>Power to enter into agreement as to dedication</p> <p>Power to repair and maintain footpaths and bridleways</p> <p>Power to plant trees etc and to maintain roadside verges</p> <p>Power to complain to highway authority regarding protection of rights of way and roadside wastes</p> <p>Power to erect flagpoles etc on highways</p> <p>Power to contribute to traffic calming schemes</p> <p>Power to provide roadside seats and shelters</p> <p>Power to light roads and public places</p> <p>Power to provide parking places</p> <p>Power to provide traffic signs and other notices</p>	Highways Act 1980, s.30 Highways Act 1980, ss. 43, 50 Highways Act 1980, s.96 Highways Act 1980, s.130(6) Highways Act 1980, s.144 Highways Act 1980, s. 274A Parish Councils Act 1957, s.1 Parish Councils Act 1957, s.3 Road Traffic Regulation Act1984, s.57 Road Traffic Regulation Act1984, s.72
Investments	Power to participate in schemes of collective investment	Trustee Investments Act1961

Land	agreement, to appropriate, to dispose of land	Local Government Act 1972, ss.124, 126, 127
Litter	Power to provide receptacles in public places	Litter Act 1983, ss.5.6
Lotteries	Power to hold a lottery operating license	Gambling Act 2005, s.98
Marine management	Power to obtain advice from the Maritime Management Organisation	Marine management Paragraph 23(1), Schedule12,
Meetings	<p>Duty to hold annual meeting</p> <p>Duty to hold meeting within 14 days of a community council election</p> <p>Power to call extraordinary meeting</p> <p>Quorum for meetings</p> <p>Duty to notify time and place of meeting</p>	<p>Local Government Act1972 Paragraph 23(2), Schedule12, Local Government Act1972</p> <p>Paragraph 25, Schedule 12, Local Government Act 1972</p> <p>Paragraph 28, Schedule 12, Local Government Act 1972</p> <p>Paragraph 26(1)(a), Schedule 12, Local Government Act 1972 as amended by the Local Government and Elections (Wales) Act 2021, s.49 and Part 1 of Schedule 4</p>
Meeting notes	Duty to draw up meeting notes within 7 working days of the meeting.	Local Government and Elections (Wales) Act 2021 paragraph 12 of Schedule 4.
Meeting venues	Power to convene meetings at any place the council directs whether inside or outside the council's area	Local Government and Elections (Wales) Act 2021, paragraph 20 of Schedule 4
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Minutes	Duty to draw up minutes of community meetings	Paragraph 35, Schedule 12, Local Government Act 1972
National Parks	Duty to have regard to purposes for which National Parks are designated	to the Countryside Act 1949, s.11A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Officers and employees of the council standing for election	Right to stand for election to their employing council	Local Government and Elections (Wales) Act 2021, Section 20
Open Spaces	Power to acquire land and duty to maintain them	Open Spaces Act 1906, ss.9 and 10
Property and documents	Powers to direct as to their	Local Government Act 1972 s.226,

	custody	
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide public conveniences	Public Health Act 1936, s.87 and Public Health (Wales) Act 2017 s.116
Public participation in meetings	Duty to provide members of the public with an opportunity to make representations about any business to be transacted at the meeting	Local Government and Elections (Wales) Act 2021, Section 48
Public spaces protection orders	Right to be notified of proposal for an order	Anti-social Behaviour, Crime and Policing Act 2014, s.72
Publication	Duty to publish documents relating to the business of the meeting Duty to have a publication scheme	Paragraph 26(1)(aa), (b), Schedule 12, Local Government Act 1972 Freedom of Information Act2000
Parks, pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s.,164 (Local Government Act 1972, Sched.14 para 27) Public Health Acts Amendment Act 1890, s.44 Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities	Local Government(Miscellaneous Provisions) Act 1976, s.19
Staff	Power to appoint staff	Local Government Act 1972, s.112
Standing orders	Power to make standing orders Duty to have a standing order with respect to contracts for the supply of goods and materials	Local Government Act 1972, Sch 12, para 42 Local Government Act 1972 s. 135 (2),
Status	Power for a community council to resolve that the community shall have the status of a town	Local Government Act 1972, s.245B
Town and Country Planning	Right to request the local planning authority for notification of	Town and Country Planning Act 1990, Schedule 1A, paragraph 2
Tourism	Power to contribute to certain organisations encouraging tourism	Local Government Act 1972, s.144 (2)
Training	Duty to publish a training plan setting out the training need of councillors and council	Local Government and Elections (Wales) Act 2021, Section 67.

	staff	
Transport	Power to establish car-sharing schemes Power to make arrangements for taxi fare concessions Power to investigate provision of public transport services and to publicise information on such services Power to make grants to for bus services	Local Government and Rating Act 1997, s.26 Local Government and Rating Act 1997, s.28 Local Government and Rating Act 1997, s.29 Transport Act 1985, s.106A
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act1923 s.1; as extended by Local Government Act 1948 s.133
Website	Duty to make specified information available electronically	Local Government Democracy) (Wales) Act2013, s.55
Well-being of future	generations Duty to take all reasonable steps towards meeting local objectives in the local well- being plan (and to report annually) if the council's gross income or expenditure was at least £200k in each of the 3 years prior to publication of the local well-being plan	Well-being of Future Generations (Wales) Act2015, s. 40
Welsh language	Duty to comply with Welsh language standards	Welsh Language (Wales) Measure 2011, s. 25
Youth representatives	Power to appoint youth representatives	Local Government (Wales) Measure 2011 ss.118-119