

CTC 29

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

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

Ymateb gan: Karen Brown

Response from: Karen Brown

Inquiry into the role, governance and accountability of the community and town council sector

The terms of reference for the inquiry are to examine:

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

The statutory role of a Town Council is well defined and published as per Part 2 of the Welsh Government's Good Councillors Guide 2022 [Guide \(gov.wales\)](https://gov.wales/good-councillors-guide).

Councils are empowered by various pieces of legislation that enable them to engage in a wide range of activities that benefit their communities. Many Councils in Wales do far more than their statutory obligations. In Buckley Town Council it allocated 50% of its budget to additional services for the community.

These additional services add immeasurable value to the people of Wales and our local residents by representing local issues and interests, local service delivery, community engagement, support for vulnerable and minority groups, support economic development, recreational spaces and activities, public safety, health and wellbeing and environmental conservation.

Buckley Town Council achieves this by:

- Supporting the Local Economy – contributing to the town centre's vitality by providing public conveniences, free car parking, Christmas lights, hanging baskets, and CCTV, among other services.
- Environmental - funding for ongoing upgrades to our play areas, defibrillators, contribution towards the maintenance of the commons and burial grounds, bins, coronation gardens, and biodiversity actions.
- Community Support – supporting youth programmes, a mental health counsellor, deliver a range of free community events throughout the year, supporting art and cultural projects, sharing wider information, supporting the warm rooms and community fridge as well as a range of financial support for local groups.

These contributions significantly enhance community well-being and are highly valued by our residents.

In addition, some Town & Community Councils are able to take on vital local services which are at threat of funding cuts/closure from the Local Authority.

Despite their importance, the role of Town and Community Councils is often misunderstood by the public, leading to confusion about the differences between the roles of Local Authorities and Town and Community Councils. Residents also frequently struggle to differentiate between County Councillors and Town Councillors, which can further complicate their understanding.

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

Yes, the sector is generally fit for purpose and demonstrates adaptability to changing legislation and society needs, particularly when supported by forward-thinking Councillors.

However, two significant challenges hinder this adaptability. Firstly, some Council members may hold onto 'traditional' views, resisting change and preferring to maintain the status quo. This reluctance to evolve can impede progress and limit the sector's ability to respond effectively to modern challenges. Secondly, there is often insufficient funding allocated for staffing hours, particularly in relation to the statutory and additional duties of the Clerk and other officers. This underfunding strains the Council's capacity to manage the increasing workload, limiting its ability to fully meet its obligations in a timely and efficient manner.

In addition, some individual Councillors are not fully fit for purpose. This issue could be mitigated by implementing mandatory training and providing a clearer role description before they sign up, ensuring that they understand their responsibilities and are equipped to fulfil their roles effectively.

Recruitment and retention of good quality, knowledgeable Clerks/RFO's is a real problem for the sector too.

Addressing these challenges is essential for ensuring the sector continues to evolve and remain fit for purpose in the face of ongoing changes in local governance.

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

Governance and compliance are rightly extensive within the Town and Community Council sector.

With statutory requirements for councils to publish a wide range of information on their websites, combined with the annual public inspection of accounts and the opportunity for the public to observe and participate in meetings, there is a solid foundation for transparency.

Councils across Wales vary significantly in size, and it's important that scrutiny and audit processes are proportionate to the scale of each organisation. However, timely external audits are crucial. Any issues identified need to be addressed quickly to maintain accountability.

While both internal and external audits focus primarily on financial statements and processes, there is no scrutiny of compliance with other important governance or legal obligations unrelated to public finances. For example, there is currently no formal review of compliance with duties under the Biodiversity Duty, the requirement to hold hybrid meetings,

or the obligation to publish agendas on council websites. This lack of oversight needs to be addressed, as compliance with these governance requirements is inconsistent across Wales.

One concern is that when a council receives a ‘qualified’ audit, there is no structured follow-up or consequences if identified issues remain unresolved. A more robust model, akin to school inspections, could be introduced. Councils could be graded (e.g., excellent, good, satisfactory, or unsatisfactory). Similar to how schools underperforming are placed in special measures, councils could be required to produce evidence of improvements, and once these are achieved, a report could be published to confirm the issues have been addressed. Currently, the public is not made aware of improvements councils have made following an audit.

An option worth exploring, similar to the approach used in schools, is bringing in an experienced Clerk to assist and share best practices when a Council is found to be non-compliant. This would provide targeted support, helping the Council address gaps in governance and ensuring compliance with regulations.

The One Voice Wales Finance & Governance Toolkit is an excellent resource for councils to assess their governance and compliance. However, mandatory training for both Councillors and Clerks could further strengthen governance. For Councillors, this would ensure they fully understand their duties, and for Clerks, training such as ILCA (Introduction to Local Council Administration) could be considered as a minimum requirement.

An additional issue affecting governance in this sector is breaches of the Code of Conduct by Councillors. The current process can involve lengthy investigations by the Ombudsman (sometimes lasting up to three years), with minimal sanctions or, in some cases, no sanctions at all. This system needs reform to ensure breaches are dealt with in a timely manner, with consequences aligned more closely to misconduct or gross misconduct procedures.

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

There is significant potential for digital and new technologies to enhance decision-making, service provision, and public participation in local democratic processes. These technologies can streamline operations, improve accessibility, and increase transparency.

However, several barriers are preventing the full realisation of these benefits. A key challenge is the lack of knowledge and expertise among Officers, who may not know where to seek advice or resources in this area. Additionally, the time required to explore and implement new technology is difficult to find within an already full workload. Further support from organisations like One Voice Wales or SLCC in providing training, guidance, and resources could be highly beneficial in overcoming these hurdles.

Another major barrier is the funding required for new hardware and software infrastructure. Budget pressures, coupled with a desire among Councillors to keep precept increases low to avoid burdening their electorate, make it difficult to allocate sufficient funds for technological upgrades.

Infrastructure challenges also persist, such as insufficient broadband and mobile network coverage in parts of Wales, and the limitations posed by outdated buildings that aren't well-suited for modern technological needs.

While hybrid meetings have been a positive development in promoting participation, issues like sound quality remain problematic, even two years on. Achieving consistent, high-quality audio for both in-person and virtual attendees is an ongoing challenge that needs to be addressed for hybrid meetings to reach their full potential.

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

It is assumed that this question is in relation to the Local Government and Elections Wales Act 2021. The introduction of published training plans, annual reports and improved public participation are positive steps towards increasing transparency and accountability in local governance.

The ability to hold multi-location (hybrid) meetings is ideal for modern needs and is well used and widely adopted. However managing hybrid meetings presents a range of additional challenges.

Compliance with these new regulations remains inconsistent across Wales. There is currently no formal mechanism to check whether Councils have met these basic compliance requirements, nor are there consequences for failing to do so.

The General Power of Competence (GPOC) is a valuable tool for Councils, allowing greater flexibility in how they support their communities. While the three criteria required to attain GPOC are rightly set at a high standard, the need for annual re-declaration can be problematic if unforeseen circumstances occur—such as the resignation of a qualified Clerk or Councillors, requiring the Council to co-opt new members. However, co-option could also be seen as a positive opportunity under GPOC, allowing Councils to recruit individuals with specific skills to strengthen their capacity to deliver on their business cases.