

CTC 33

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 Clercod Cyngor Lleol

Response from: Society of Local Council Clerks

Local Government and Housing Committee
Welsh Parliament
Cardiff Bay
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Annwyl Bwyllgor / Dear Committee,

INQUIRY INTO THE ROLE, GOVERNANCE AND ACCOUNTABILITY OF THE COMMUNITY AND TOWN COUNCIL SECTOR

The Society of Local Council Clerks (SLCC) is the professional membership body for local council clerks and senior council employees representing clerks to over 5,000 local councils in England and Wales.

We ensure that our members are equipped with the necessary knowledge, training and skills to thrive within their role and best support their council and community.

On behalf of SLCC, I would like to make the following comments in response to the Local Government and Housing Committee's consultation on the role, governance and accountability of the town and community council sector. I will address each of the consultation themes in turn, below.

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

The sector is varied with a large range in the size, responsibilities and activities of councils. The role and value of each council can only be fairly assessed in the context of their individual situation and the needs of their communities.

Councils offer many services that are at the heart of their communities which heavily contribute to a sense of community and belonging. Local councils undertake many activities within their communities such as celebration events and providing local services. Councils are also enablers, supporting community groups and organisations to do good for their communities.

At the most local level of government, local councils truly understand the needs of their communities and even if they are unable to provide for those needs, they can communicate those needs to those that can provide. Local councils will often act as the 'glue' that brings everyone together to focus on very local needs, e.g. local authorities, health boards, police, voluntary and private sector as well as voluntary groups.

It is not clear if the inquiry is seeking to assess if the role of community councils should be expanded or reduced. Currently more and more is being asked of town and community councils by local authorities who are struggling to provide under the current

economic conditions. For all the reasons noted above and more, reducing the scope of this level of government would be hugely detrimental to the communities served by local councils.

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

This is a difficult question to address in terms of the sector. Aside from the duties set out in legislation, which are limited, councils have powers to do many things but not a duty to undertake them. This results in a large variation of what councils do, which generally meets the requirements of their communities. This is a positive position because it gives local councils the freedom to respond and adapt to the need of the communities they serve. More recently, increased power from the General Power of Competence (GPOC) established by the Local Government and Elections (Wales) Act 2021 ("the 2021 Act") has given councils much more power to act as a confident and competent local government organisation and be ambitious for their communities. However, the prescriptive eligibility criteria to use this power are very restrictive - I will touch more on this later.

There are many ways to measure if councils are fit for purpose, but it is unlikely that any one method will offer the whole picture. For example, if you were to look at reports from Audit Wales on the sector, it may offer some positive news but will likely offer a bleak picture too. On the other hand, if you were to look at work done with councils by our colleagues in One Voice Wales (OVW), and their annual awards and innovative practice conferences, the impression would be far more favourable and encouraging.

Relations between town and community councils and their local authorities could also be improved. Some areas are fortunate to have a positive relationship with their local authorities, public service boards and so on. However, this opportunity is not afforded in all parts of Wales and there are closed doors facing town and community councils in many areas. Despite this, the same local authorities will ask their town and community councils to take on assets that they no longer feel able to run. It is important that if local councils are to be 'fit for purpose' that they are respected and enabled by local authorities to be engaged in discussions and projects affecting their communities.

New legislation such as the 2021 Act has placed additional requirements on councils and the recent launch of triennial transactional audits by Audit Wales have meant that councils have had to do lots more to ensure that they are operating as professional 'fit for purpose' bodies. It is suggested that further review of the 1972 Act may also be necessary to ensure that the purpose of councils fits the 2024 world we are working in.

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

The arrangements for governance and scrutiny in the sector have undoubtedly improved in recent years. In terms of scrutiny, I have already mentioned the introduction of triennial full audits by Audit Wales which apply to all councils regardless of size and turnover. There are no exemptions in Wales, as is the case in England. While this inquiry is not a comparison with England, it is worth noting that we must do more in Wales in several key areas.

The 2021 Act also introduced the requirement for all councils to produce an annual report, previously this only applied to councils with an income or expenditure over £200,000 which needed to report on the wellbeing goals for their area under the Wellbeing of Future Generations Act 2015.

Councils are also required under the 2021 Act to publish training plans for both staff and councillors and while this is a positive step for councils, an opportunity was missed when Code of Conduct training was not made compulsory for members, which would have helped improve standards in the sector. One of the biggest and most frequently occurring issues within the sector is the bullying and harassment of both clerks and councillors.

In 2022 the Welsh Government, SLCC and OVW produced the 'Finance and Governance Toolkit' a comprehensive document for councils detailing exactly what needs to be in place to ensure good governance. The toolkit includes both statutory requirements and good practice. While the document can take some time to work through, it is essentially all that is needed for councils to ensure good governance. Therefore, the sector has taken measures to address this and at the same time scrutiny has increased.

Further to this toolkit, SLCC and OVW are also available for advice and to provide guidance and training, on all matters relating to the work of councils and supporting clerks to undertake their roles. Consultancy services are also available when needed to provide support with HR matters, health & safety and more.

The support available to enable councils to be well governed, gives councils the confidence to be transparent and accountable, armed with knowledge of what needs to be done to ensure a well-run council.

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

The introduction of multi-location meetings has certainly enabled more participation in the local democratic process. This is true for both councillors who find it easier to attend meetings and members of the public who can attend from the comfort of their own homes.

New technology has also improved how councils communicate with their communities using channels such as the council website and social media in addition to traditional communication such as the press and noticeboards. There is still some way to go for councils to catch-up, but more and more councils are starting to use technology which is new to the sector such as AI to assist with some tasks.

Some councils have formal arrangements in place such as SLAs with local authorities for IT support. The scope of councils to operate digitally could be improved with 'centralised' provision of support, perhaps based on call-off contracts in the regions of Wales or an SLA with local authorities. The Welsh Government's Digital Health Project Board is dealing with all these challenges now and the projects will culminate with the production of guidance on many digital themes and also the establishment of a community of practice.

Like with many other areas, this has proved to be challenging for many councils due to there being one member of staff with a wide range of skills but no specialism in the area

concerned. Preparation of guidance and a support infrastructure ahead of introducing statutory duties would be a more helpful approach.

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

The biggest change to the powers in the sector came with the 2021 Act and GPOC. The prescriptive nature of the eligibility criteria excludes many councils that are competent and well-run. For example, the requirement to have two thirds elected members will exclude many councils who did not attract the required numbers at the election but have since gone on to recruit good councillors.

The need to redeclare eligibility each year is also an additional requirement in Wales, with councils in England only needing to redeclare eligibility after each election.

GPOC also meant that the well-being power for councils from the Local Government Act 2000 was repealed for all councils, meaning that those who weren't eligible for GPOC suddenly lost this power too.

A further complication with GPOC is the late completion of audits by Audit Wales. One of the three criteria to enable a council to use GPOC is that the council must have received two unqualified auditor's opinions for two consecutive financial years from the Auditor General for Wales. The latest of these opinions must have been received during the 12 months ending on the date which the community council's resolution is passed. A council must redeclare eligibility at each annual meeting in May and at this point some councils are still waiting on the result of the previous year's audit from Audit Wales, which is supposed to be completed by the end of September prior to the meeting.

In effect this means that councils are unable to use the powers that are potentially available to them, due to these restrictions which are far more prescriptive in Wales.

The SLCC is keen to engage with the Senedd on this inquiry and would welcome further dialogue on this matter. We have lots to be proud of in the sector and the opportunity to share that good news would be most welcome. Please remember that while more is required of local councils on a regular basis, the legislation and infrastructure in which we work needs to keep up with those demands to enable the sector to operate effectively.

Thank you for the opportunity to respond to this consultation.

Yn gywir / Yours sincerely,



Rob Smith

Chief Executive SLCC