



**CYNGOR CYMUNED BRYCHDYN A BRETTON
BROUGHTON AND BRETTON COMMUNITY COUNCIL**

22nd OCTOBER 2024

SUBJECT: INQUIRY INTO THE ROLE, GOVERNANCE AND ACCOUNTABILITY OF THE COMMUNITY AND TOWN COUNCIL SECTOR IN WALES

1. Summary:

1.1 To respond to the Senedd's Local Government and Housing Committee inquiry into the role, governance and accountability of the community and town council sector.

2. Background:

2.1 The Local Government and Housing Committee has agreed to undertake an inquiry into the role, governance and accountability of the community and town council sector

2.2 The terms of reference for the inquiry 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.

2.2 The rationale for this recent inquiry is difficult assess, and One Voice Wales recently held a consultation meeting with member authorities to assist them in the drafting of its statement to be submitted to the committee. One Voice Wales themselves were not aware of this consultation which, *in their words*, has appeared from “left field” and they were perplexed over the decision, given that there was a good working relationship with the Senedd over a number of the years following the most recent review of the sector undertaken by the independent review panel and published in 2018. The Community Council did comment on that review, some of the findings of which have been implemented with a number of the issues reflected in the Local Government and Elections (Wales) Act 2021.

2.3 The consensus from the meeting with One Voice Wales are that a number of the outcomes of that review are still valid and that:

- The case had 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 established in all areas that have not currently got one.
- Place based services to become the responsibility of Community and Town Council
- All clerks must hold or be working towards a professional qualification and CILCA should be the expected minimum qualification.
- A core package of training should be mandatory for all councillors and that this mandatory training is repeated regularly (every election term).
- Community and Town Councils should follow a cycle of engage, plan, undertake and report.
- All Community and Town Councils should have a duty to report annually.

2.4 However it is clear that a further investigation of the sector is underway and as well as One Voice Wales providing generic evidence to the inquiry each individual Town and Community Council has been urged to make their own response. Therefore, a detailed submission has been prepared for consideration by members and is appended.

3. Recommendation:

3.1 It is recommended that the written statement, once considered by Members, should be forwarded to the Senedd's Local Government and Housing Committee.

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

Introduction

Broughton and Bretton Community 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 considered within the terms of reference for the inquiry as detailed below; and looks forward to further discussions on this important initiative to ensure any future changes benefit the sector.

Broughton and Bretton Community Council has already been acknowledged by Welsh Government as a *good model of delivery* as it is partnered with Hawarden Community by the appointment of a joint Clerk and Financial Officer. It also has a Service Level Agreement with Hawarden Community Council and neighbouring Shotton Town Council in relation to administration and maintenance services and staff.

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 service provision of a wide range of public services and amenities, as is detailed in the Good Councillors guide, appended, 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 and help 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 including a general duty to produce a Biodiversity Plan. 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 and support residents effectively.

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 track 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 principal 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. There are currently no formal scrutiny arrangements at this level of Local Government.

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 effect 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. At Broughton and Bretton Community Council this also incorporates the Welsh Government's seven principles of well-being for future generations.

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 government. 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 enabled increased engagement and empowered communities, which has resulted in better governance. It is a shame that during and post the COVID pandemic that Welsh Government failed to provide financial support to this sector in relation to virtual meetings. Grants had been provided to principal councils but it is our sector that required them, particularly in areas where Wi-Fi provision was low, or non-existent.

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, surveys, 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 streamlined decision-making processes. Online tools for document sharing, collaboration, and real-time communication among others, 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 Councils 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 asset 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 now 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 somewhat outdated given the many changes in society and local government in Wales since 1972. New models more appropriate to Wales must be explored. The Local Government and Elections (Wales) Act 2021 was a key improvement and allowed for increased democracy and accountability.

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:	Public Health Act 1936,
	Mortuaries and post mortem rooms	s.198 Public Health Act 1875,
	Pleasure grounds	s.164
	Parking places Open spaces and burial grounds	Road Traffic Regulation Act 1984, 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 Act 2006, 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

Activity	Powers and Duties	Statutory Provisions
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	Local Government and Rating Act 1997, s.31 Crime and Disorder Act 1998, s17

	and disorder	
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) Act 2016 Section 6
Finance	Duty to decide for the proper administration of the council's financial affairs and to secure that one of their officers have responsibility for the administration of those affairs	Local Government Act 1972, s151

Activity	Powers and Duties	Statutory Provisions
	<p>Duty to make a budget 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>	<p>Local Government Finance Act 1992, s.50</p> <p>Local Government Finance Act 1992, s.41</p> <p>Accounts and Audit (Wales) Regulations 2014</p> <p>Local Government Act 2003, ss. 43,58</p>
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>	<p>Local Government and Elections (Wales) Act 2021, Section 24.</p> <p>Local Government and Elections (Wales) Act 2021, Section 37 and Part 2 of Schedule 3</p>
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Highways	Power to enter into agreement as to dedication	Highways Act 1980, s.30
	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss. 43, 50

Power to plant trees etc and to maintain roadside verges	Highways Act 1980, s.96
Power to complain to highway authority regarding protection of rights of way and roadside wastes	Highways Act 1980, s.130(6)
Power to erect flagpoles etc on highways	Highways Act 1980, s.144
Power to contribute to traffic calming schemes	Highways Act 1980, s. 274A
Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
Power to light roads and public places	Parish Councils Act 1957, s.3

Activity	Powers and Duties	Statutory Provisions
	Power to provide parking places	Road Traffic Regulation Act 1984, s.57
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961
Land	Power to acquire by 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
Meetings	Duty to hold annual meeting	Paragraph 23(1), Schedule 12, Local Government Act 1972
	Duty to hold meeting within 14 days of a community council election	Paragraph 23(2), Schedule 12, Local Government Act 1972
	Power to call extraordinary meeting	Paragraph 25, Schedule 12, Local Government Act 1972
	Quorum for meetings	Paragraph 28, Schedule 12, Local Government Act 1972
	Duty to notify time and place of meeting	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
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

Activity	Powers and Duties	Statutory Provisions
National Parks	Duty to have regard to purposes for which National Parks are designated	National Parks and Access 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 custody	Local Government Act 1972, s.226
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	Paragraph 26(1)(aa), (b), Schedule 12, Local

	Duty to have a publication scheme	Government Act 1972 Freedom of Information Act 2000
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

Activity	Powers and Duties	Statutory Provisions
Standing orders	<p>Power to make standing orders</p> <p>Duty to have a standing order with respect to contracts for the supply of goods and materials</p>	<p>Local Government Act 1972, Sch 12, para 42</p> <p>Local Government Act 1972, s. 135 (2)</p>
Status	<p>Power for a community council to resolve that the community shall have the status of a town</p>	<p>Local Government Act 1972, s.245B</p>
Town and Country Planning	<p>Right to request the local planning authority for notification of</p>	<p>Town and Country Planning Act 1990, Schedule 1A, paragraph 2</p>
Tourism	<p>Power to contribute to certain organisations encouraging tourism</p>	<p>Local Government Act 1972, s.144 (2)</p>
Training	<p>Duty to publish a training plan setting out the training need of councillors and council staff</p>	<p>Local Government and Elections (Wales) Act 2021, Section 67.</p>
Transport	<p>Power to establish car-sharing schemes</p> <p>Power to make arrangements for taxi fare concessions</p> <p>Power to investigate provision of public transport services and to publicise information on such services</p> <p>Power to make grants to for bus services</p>	<p>Local Government and Rating Act 1997, s.26</p> <p>Local Government and Rating Act 1997, s.28</p> <p>Local Government and Rating Act 1997, s.29</p> <p>Transport Act 1985, s.106A</p>
War memorials	<p>Power to maintain, repair, protect and alter war memorials</p>	<p>War Memorials (Local Authorities' Powers) Act 1923 s.1; as extended by</p>

		Local Government Act 1948, s.133
Website	Duty to make specified information available electronically	Local Government (Democracy) (Wales) Act 2013, 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	Well-being of Future Generations (Wales) Act 2015, s. 40

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Activity	Powers and Duties	Statutory Provisions
	years prior to publication of the local well-being plan	
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