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Sent by email to [SeneddCommunities@assembly.wales](mailto:SeneddCommunities@assembly.wales)

Dear Minister,

### **Consultation on the Local Government and Elections (Wales) Bill**

The Society of Local Council Clerks (the Society) is the professional body for local (parish, community and town) councils across England and Wales and represents the clerks to over 5,000 councils with over 300 members in Wales.

The Society is delighted to respond to the Local Government and Elections (Wales) Bill (the Bill) and welcomes the opportunity of submitting this written submission in support of the planned evidence session to be held in Cardiff in the New Year. The response has been co-ordinated by Mark Galbraith, the Society's Wales Policy Liaison Officer who is also one of our leading practitioners in Wales, being the Clerk to Llanelli Rural Council.

The Society is of the view that the Bill – notwithstanding the positive reforms proposed to improve electoral arrangements for local government and the other measures outlined under the various provisions, sets out a clear approach as to how Welsh Government intends to empower local government to collaborate more closely through a common framework of measures encapsulating voluntary mergers and the potential restructuring of principal councils. This also includes the establishment of corporate joint committees and of course providing a General Power of Competence to qualifying local authorities in Wales including eligible community councils. This will encourage local government to act innovatively by providing services in different ways at both a local and regional level going forward.

Moreover, the Bill positively sets the foundation for transforming the future role and status of the local council sector enabling it to participate more freely in the future delivery of Welsh public services as an important community partner and as a recognised tier of local government. The Society sees this as a positive step in the new relationship being forged with Welsh Government and local government. In this regard the Society's main focus will be to respond to the measures affecting the local council sector set out in the Bill. However, where appropriate it will also put forward a view on the other parts of the Bill where the Society believes it is appropriate to do so.

Much like the series of previous White Papers and the former draft Local Government (Wales) Bill, this particular Bill has positive implications for the local council sector while enhancing its role but it also comes with new duties and responsibilities. It is reassuring to discover that many of the issues the Society has been discussing and lobbying the Welsh Government for in the raft of consultations preceding the Bill over the last five years are now starting to emerge through the Bill. However, there is much to build upon and look forward to along the journey of increasing the capacity and capability of the local council sector which the Bill of course does attempt to address in full. The Society views the Bill as the first step in a process which will hopefully lead to further measures being enacted to support the development of the local council sector. Furthermore, the Bill addresses some but not all of the measures and recommendations identified by the Independent Review Panel (IRP). The Panel's work culminated in a final report which made a number of recommendations to positively improve and enhance the local council sector.

## **PART 1 ELECTIONS**

### **Extension of right to vote in local government elections**

The Society supports the intention to extend the local government franchise to foreign citizens on the basis that they are lawful residents of Wales, irrespective of their nationality.

The Society also supports the proposal to allow 16- and 17-year olds to be able to register to vote in Welsh local government elections.

### **Voting systems of elections to principal councils**

The Society notes the intention to introduce two voting systems for principal councils namely the existing system – 'the simple majority system' and the 'single transferable vote system' on the basis that each principal council may decide for itself on the voting system to use. The Society supports the requirement for principal councils to consult with community councils in its area before contemplating changing the voting system from one system to another.

Where it is intended to introduce the single transferable vote system in place of the simple majority system and there then follows a combined set of local government elections for principal councils and community councils; the Society supports the drafting of appropriate guidance either directly or indirectly by the Electoral Commission and local returning officers to help distinguish the two voting systems and to advise electors about the important differences in how they mark their ballot papers for each type of election taking place.

### **Electoral cycles**

The Society supports the proposal to change the electoral cycle for local elections from four to five years. This will harmonise election cycles for local and national government so they are the same. The Society also supports Welsh Ministers having the power to change the ordinary day of local elections in Wales.

### **Database for electoral registration information**

The Society notes the intention to establish and maintain a national database of electoral registration information.

## **Registration of local government electors without application**

The Society supports electoral registration officers being able to add electors to the register of local government electors automatically where they are satisfied they should be entered.

## **Qualification for membership of a local authority**

The Society accepts the proposal to extend the qualification for election and holding office in the case of a local authority in Wales to include a qualifying foreign citizen.

## **Disqualification of members of local authorities**

The Society supports amending the current disqualification provisions to disqualify individuals from standing for election or holding office as a member of a principal or community council if the individual is subject to the notification requirements of an order under the Sexual Offences Act 2003.

## **Expenditure of returning officers**

The Bill purports that Section 28 clarifies that returning officers can only claim expenses properly incurred in the running of an election. However, it does not say that personal fees of a returning officer in respect of services rendered during the local government election cannot be claimed on the basis they are not expenses.

The Society is of the opinion that the wording in Section 28 of the Bill is not clear and needs to be revised. There needs to be a sub section inserted or something similar which is unambiguous in language and meaning about personal fees and which states 'no personal payment is due to the returning officer for services in respect of local government elections.' This removes any doubt about how Section 28 will be interpreted.

Removing the entitlement to personal fees for returning officers for organising elections is welcomed because election costs can prove to be very expensive for local councils with costs spiralling to over £20,000 in certain council areas that are made up of multiple wards. Removing personal fees will reduce the cost burden with local councils only having to meet direct election costs. Clerks to smaller local councils have also expressed the view that expensive election costs can act as a significant disincentive for people to stand for election. High costs have encouraged prospective candidates to not stand during an election, preferring instead to wait for the opportunity to join the council via a co-option opportunity. The measure will go a long way to help eradicate this practice.

## **PART 2 GENERAL POWER of COMPETENCE**

### **The general power (Chapter 1)**

The Society is pleased to see the General Power of Competence (GPoC) included in the Bill. Local government functions are determined by legislation and so any action performed in the absence of statutory powers is deemed unlawful. The Society agrees that the existing suite of legislative measures available to Welsh local government is too restrictive. This is despite the introduction of the Well-Being Power under the Local Government Act 2000. This power was extended to the local council sector by the Local Government (Wales) Measure 2011 but was restricted by the same financial limit as section 137 of the Local Government Act 1972.

The Society supports the extent of GPoC as set out under the Bill and believes it will bring about more effective, capable and local innovative ways of working. In

particular, the Society is pleased to note that the generality of the power is not limited by the existence of any other power of a 'qualifying local authority' and vice versa any other power of a local authority is not limited by the existence of GPoC. This removes any doubt about the extent of how the power can be used to encourage the potential devolution of services to the local council sector from principal councils and it is hoped that the power will carry broad appeal amongst community councils. The Society is also pleased to see the inclusion of a provision to grant power to make a supplementary provision to the use of GPoC where Welsh Ministers consider that an enactment prevents qualifying local authorities from exercising the general power, or obstructs them in exercising the general power. The introduction of GPoC will generally provide the necessary flexibility to be able to perform specific activities without first having to reference a specific power unless of course there is a statutory power preventing it. The possibility of acting unlawfully ought to be significantly reduced with the advent of the power.

## **Eligible community councils (Chapter 2)**

The Society accepts the eligibility criteria (referred to as eligibility conditions in the Bill) a local council must meet and the procedure it must follow in order to become an 'eligible community council'.

In regard to the second eligibility condition that the clerk holds one of the qualifications specified by Welsh Ministers in subsequent regulations, the Society would like to reaffirm the case it has made previously over the importance of clerks possessing sector specific qualifications. In the explanatory notes accompanying the Bill paragraph 178 on page 315 refers to an example of such a qualification likely to be specified is CiLCA (Wales) (Certificate in Local Council Administration). CiLCA incorporates all the essential and varied topics required by a clerk to successfully administer a local council in Wales. It consists of five units covering core roles in local council administration; law and procedure for local councils; finance for local councils; management for local councils; and community engagement. It is an evidence based portfolio qualification that is required to meet outcomes based assessment criteria.

It was refreshed in 2015 to ensure it remains completely up to date and relevant, is positioned at Level 3 of the National Qualifications Framework (NQF), and is externally accredited by AptEd who are the awarding body. The qualification, whilst administered and managed by the Society, is a National Training Strategy (NTS) qualification approved and agreed by the key national stakeholders in Wales who form part of the National Training Advisory Group (NTAG). NTAG consists of representatives from the Welsh Government, Society of Local Council Clerks, One Voice Wales and the Welsh Local Government Association.

This sector specific, tailored, evidence based qualification tests knowledge in all the key areas and provides the most relevant reassurance that a clerk is 'qualified'. In regard to Welsh Ministers making further regulations about relevant qualifications, the Society advocates the drafting of any such regulations is influenced by the strategy and work programme of NTAG. In addition to CiLCA the Society offers a suite of other professional clerk's qualifications including opportunities to study for the Certificate of Higher Education; Diploma or Full Honours Degree in Community Governance (formerly known as Local Policy). The Society will be advocating during the drafting of the regulations that this suite of qualifications is also included to satisfy eligibility condition 2.

On a related note the Society hopes no reference will be made to other generic professional qualifications such as accountancy and law when the regulations are drafted. These qualifications are not specific or tailored to the local council sector. With respect to a clerk's professional qualifying status, the inclusion of an accountancy or law qualification has no sector relevance to be of any practical

use in performing the specialised day to day role of the clerk, or for satisfying the eligibility condition for the use of GPoC.

The Society will continue to actively market and promote the CiLCA (Wales) and the wider community governance qualifications. The Society anticipates CiLCA (Wales) will be actively pursued by clerks once the Bill gathers pace as it passes through the National Assembly.

In reference to the likely take-up of CiLCA as illustrated in the accompanying explanatory notes set out under chapter 10 – costs and benefits of Part 2: General Power of Competence; where page 152 puts forward a seven year model for take-up of relevant professional qualifications. The Society agrees that the majority of that take-up will occur over the first three years likely covering the passage of the Bill through the National Assembly and the two subsequent years once the Bill is enacted.

The Society will further evaluate the numbers of clerks applying for CiLCA through the auspices of its work programme via NTAG while ensuring close collaboration with Welsh Government colleagues to ensure sufficient resources are allocated to meet the perceived demand both in terms of the future level of bursary payments from Welsh Government and the Society's capacity to deliver the qualifications on the scale envisaged in the cost benefit analysis.

The Society is aware that Welsh Government is keen to see all clerks undertake some form of basic training to support their role especially clerks to smaller size local councils. The Society has a foundation qualification available to cover basic skills – Introduction to Local Council Administration (ILCA) and we see this as the ideal building block leading onto clerks registering for CiLCA (Wales).

ILCA is a level 2 online sector specific learning tool which is designed to support all new council officers in England and Wales in their roles in the first few months of employment, as well as those aspiring to go on to complete their level 3 CiLCA qualification. The aim of the course is to provide an introduction to the work of a local council, the clerk and its councillors. The course is split over five sections based on the Occupational Standards established by the National Training Strategy in England. The qualification covers core roles; law and procedure; finance; management and working for and with your community.

With the exception of Section 43, guidance referred to below, the Society supports the other remaining provisions of this part of the Bill as outlined in Sections 38 to 42 respectively on the basis they provide for sensible checks and balances to cater for the various scenarios that might occur following a local council resolving to become an 'eligible community council.'

### **Guidance on exercise of functions under this Chapter**

The Society also supports the issuing of guidance to the local council sector about how it should use GPoC but hopes Welsh Ministers will not be tempted to introduce restrictions which might discourage councils from using the power as a power of first resort. Lessons need to be learned from the restriction imposed on the use of the Power of Well-Being where spending limits were restricted to Section 137 spending limits. This discouraged use of that particular power.

To support the issuing of GPoC guidance, the Society wishes to see an on-going training commitment being made to encourage local councils to use GPoC as part of their day to day responsibilities. This training should be aimed at clerks and councillors because this will facilitate the seamless use of the power in instances where changes to the composition and make-up of the council are unavoidable and where those changes impact upon general management arrangements.

## **Amendments relating to this Chapter and Part 2 of Schedule 3 – Amendments relating to Chapter 2 of Part 2: eligible community councils**

The Society notes that in support of Section 44, page 318 of the explanatory notes accompanying the Bill that Part 2 of Schedule 3 makes various amendments but in particular it will repeal the well-being power in Section 2 of the Local Government Act 2000, as it will be replaced by GPoC.

It also amends Section 93 (the power to trade) and Section 95 (the power to charge for discretionary services) in the Local Government Act to remove principal councils and eligible community councils, as they will have these powers under GPoC. The Society notes that Part 2 of Schedule 3 also restricts the power of local authorities to incur expenditure for certain purposes not otherwise authorised to community councils that are not eligible community councils.

### **Local councils and GPoC**

In terms of the percentage take-up of the use of GPoC amongst local councils across Wales the Society would like to raise a point about Welsh Government providing some form of financial incentive via direct grants to encourage local councils to engage the use of GPoC to deliver new place-based services as eligible community councils.

The IRP in its final report referred to place based services and it states ...

“Community and town councils should, by and large, be responsible for all ‘place-based’ services and Local Authorities should be responsible for ‘people-based’ or statutory, regulatory or strategic services (such as education, social care and environmental health).

“We have determined that ‘place-based should be any (mainly discretionary) services that helps the social, cultural, economic & environmental and physical wellbeing of the community which can be linked to a place and can vary from place to place, rather than people-based, statutory or regulatory services that are more likely to need equitable service across the country. It is difficult to determine a full list of place-based as these services can vary based on community need and lists can quickly become out of date. Examples of place-based services could include:

- Burial grounds
- Bus shelters and street furniture and features
- Community assets including: village halls/centres, toilets etc.
- Culture, tourism and heritage including: libraries, arts venues, museums
- Environment including: street cleaning/street bin collection, litter, grass cutting, drainage
- Highways including: local footpaths and pavements
- Leisure/recreational facilities including: leisure centres, sports halls
- Markets
- Playing fields/open spaces/parks/allotments
- Transport including: local community/village transport/bus shelters
- War Memorials

“ ..... In many cases, defining place-based will be down to local determination and need. We recognise there will be variations where the margins between the two are not always clear; nevertheless, we feel use of this distinction provides clearer

separation for public, staff and councils themselves between the role of community and town councils and Local Authorities”.

The Society believes the incentive of receiving direct grant support to deliver services will persuade many councils to become eligible community councils and will make them step out of their current comfort zones to take positive action to use GPoC to fulfil their true potential. By not providing any form of incentive the Society fears that many local councils will be happy to keep the status quo and will not elect to become eligible community councils which would be a missed opportunity. The other point the Society wishes Welsh Government to consider in regard to providing more of an incentive relates to the likely take-up of clerks registering for CiLCA. The number of registrations for CiLCA quoted in the cost benefit analysis on page 152 of the explanatory notes is far more likely to be realised if this proved to be the case.

## **PART 3 PROMOTING ACCESS TO LOCAL GOVERNMENT**

### **Public participation in local government (Chapter 2) principal councils’ duty to encourage participation in decision-making in local government**

The Society supports the duty set out under Section 46(2) and (3) placed on principal councils to encourage local people to participate in decision making by authorities connected with the principal council such as and including local councils. This is a positive measure in support of local democracy generally as well as enhancing levels of accountability and transparency.

### **Duty to publish official addresses**

The Society wishes to make an observation that Section 50 of the Bill refers to principal councils having a duty to publish official addresses for each member and that the address may be an official address such as the council’s address rather than a home address. The Society wonders whether this provision could be extended to local councils too if the member wishes to protect their personal privacy.

### **Annual reports by community councils (Chapter 5)**

The Society supports this measure but submits an observation that the local council sector will be subject to three separate reporting requirements when the Bill is enacted. The Society asks whether it will be permissible to produce one composite report in the fullness of time that encapsulates the Section 40 duty of The Well-Being of Future Generations (Wales) Act 2015 to produce a report, and more recently the Section 6 duty set out under the Environment (Wales) Act 2016 to report on how a public authority promotes and enhances biodiversity; albeit the Section 6 duty requires councils to report once every three years from the end of December 2019. Producing one composite report will help cut down on the amount of administration and would be viewed as a positive measure to efficiently support the working time of clerks most of whom work part time.

### **Participation at meetings of community councils**

The Society supports this proposal and although this is not officially required currently, the practice is common amongst local councils and replicates similar measures which operate at parish council level in England. The Society feels this will facilitate greater public interest in the business of local councils which can only strengthen local democracy.

## **Notices etc. of local authority meetings**

The Society supports the Section 56 provision and the inclusion of Schedule 4 of the Bill which extends previous amendments made by Section 57 of the Local Government (Democracy) (Wales) Act 2013 to electronically publish the time and place of committee and sub-committees of principal councils and community councils.

Schedule 4 also provides for the electronic service of summonses on members to attend local authority meetings and the Society is pleased that this now also applies to local councils. This is something the Society has previously called for in former consultation exercises leading up to this Bill.

The Society positively notes that Schedule 4 also removes the prohibition of holding community council meetings in licensed premises especially as many more premises such as local community centres and other types of public buildings are licensed in modern society and cater for a greater deal of public activity. The removal of the prohibition will offer more flexibility over the choice of meeting venues going forward.

The Society is also pleased to support the Bill's intention to amend paragraph 26 of Schedule 12 of the Local Government Act 1972 to permit the calling of urgent meetings provided 24 hours' notice is given. This is a positive measure.

It was garnered during the technical briefing meeting held with Welsh Government colleagues on 16 December 2019, that local councils already have the ability to call urgent council meetings as implied by the general provisions set out under the Local Government (Democracy) (Wales) Act 2013. The Society fully supports the reason for now wanting to extend the application of this measure to also cover the calling of urgent committee and sub-committee meetings.

## **PART 4 LOCAL AUTHORITY EXECUTIVES, MEMBERS, OFFICERS AND COMMITTEES**

### **Chief Executives**

Section 59 of the Bill states a principal council must appoint a chief executive. While this has no direct relevance to the local council sector the Society would like to raise a similar claim in support of local councils having to appoint a 'clerk'. The issue is exactly the same.

Much like the title 'chief executive' the title 'clerk' is predominantly used throughout local government in England and Wales. It denotes the head of a local council's administration but like 'chief executive' the title is not found in local government legislation. The Society calls upon Welsh Government to address this in the Bill.

The Society believes that denoting in legislation the requirement to appoint a 'Clerk to the Council' will give the position a firm legal footing for the first time in local government law which in turn will help set the foundation for supporting the development of the clerk's profession in Wales. It will also remove any ambiguity about the differing roles and responsibilities of a Clerk and Chief Executive in the field of local government and would make things clearer for the general public to understand.

### **Conduct of members**

Section 67 of the Bill provides that leaders of political groups must take reasonable steps to promote and maintain high standards of conduct by the members of their group.

The Society contends that a similar provision needs to be added to the Bill to cover high standards of conduct by community councillors.



In support of this the Society refers to the IRP report wherein it states ...

“There is evidence that the conduct of some councillors is not desirable for an elected member nor appropriate towards staff.”

Indeed, the IRP refers to research commissioned by the Society on issues relating to council governance, the Code of conduct and standards arrangements under the Localism Act 2011. Whilst covering both England and Wales, the research noted that 15% of councils do have serious issues.

Most clerks are dissatisfied with the outcome of complaints and the way they have been handled. There is a significant feeling that the current legislative framework means certain members now believe they are ‘untouchable’ and are given free rein to cause disruption and that problems therefore go on longer without coming to a resolution. This must be addressed.

The IRP report goes on to state ...

“The Auditor General for Wales confirms that many councils are unable to provide evidence that they have adopted a Code of Conduct for members. This is a legal requirement and one we expect all councils to meet.

“In 2017-18, the Public Service Ombudsman received 167 Code of Conduct complaints involving community and town councils. This is an increase of 33% since 2016-17”.

Given the opportunity presents itself to do something about this through this important piece of legislation the Society calls upon Welsh Government to lead by example and to address the issue of maintaining higher standards of member conduct in the local council sector too.

### **Training of members and staff of community councils**

Section 72 of the Bill sets out proposals for local councils to make and publish a training plan in relation to members and staff. The Society supports this proposal.

The Society can address all the professional learning needs for local council staff and similarly One Voice Wales has a suite of training modules for councillors. In regard to training for councillors the IRP report recommends that ...

“a core package of training should be mandatory for all councillors as a requirement for acceptance of office and that this mandatory training is repeated regularly (every election term). This should include:

- Code of Conduct
- Induction (covering role/expectation and the legal framework)
- Being an employer
- Diversity and inclusion
- Health and safety
- Finance (core basic requirements)
- Planning (including the requirements of completing a planning response)

The Society notes that further guidance is to be issued by Welsh Ministers about the exercise of functions under Section 72 but calls upon Welsh Ministers to address and support the recommendations of the IRP with the mandatory training topics it suggests being included in that guidance. The inclusion of these topics will help focus and orientate minds on what needs to be put in place otherwise there is a danger that local councils will only cover the basics with them choosing not to cover key governance areas.

The sector currently enjoys receiving an element of grant support from Welsh Government as part of its long established bursary scheme facilitated through the auspices of NTAG (referred to earlier) in support of the National Training Strategy. Many small councils find the cost of training for both members and staff alarming and this leads to an increasing gap in skills and performance within the sector between small and larger councils. Grant support will help address the fact that it is not acceptable for clerks to be expected to take professional training in their own time and unpaid. This is a real disincentive for them. It is a real obstacle to increasing the professional knowledge of the sector.

Some clerks in membership of the Society in Wales are also training providers for One Voice Wales and deliver member training. Interestingly, some of the clerks have noticed that those members who attend training are often frustrated by those who refuse to attend any, including Code of Conduct training. This can lead to contentious relationships within a council. It also inhibits the development of members' and thereby council's skills and professionalism. Including mandatory training topics in the guidance will help allay this frustration.

## **PART 5 COLLABORATIVE WORKING BY PRINCIPAL COUNCILS**

### **Establishing corporate joint committees**

The Society notes the rationale for the creation of these bodies to give effect to more effective regional working. However, in developing any regional working arrangements it is important to retain strong democratic governance and oversight, including that of scrutiny of the work of these corporate joint committees at a local level. These bodies must be held to local account and their terms of reference must be completely transparent. This is fundamental if local communities are to retain a strong local voice over the delivery of key services.

The Society supports the argument that there is an expectation that corporate joint committees will be instigated on the basis that it is more economic, efficient and effective to exercise the proposed activities or functions collaboratively than being done by the principal councils alone.

## **PART 6 PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS**

The Society has no direct interest in the measures proposed under Part 6 of the Bill.

## **PART 7 MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS**

The Society notes this part of the Bill but would comment that mergers or restructuring will create much larger local government areas which are likely to be made up of much larger electoral wards with fewer councillors.

Whether an area is subject to a merger proposal or indeed is subject to restructuring it is fundamental that local accountability is not lost and that the communities making up these larger council areas can still count upon a strong local community voice.

The Society wishes to repeat an observation which has been identified in previous consultation responses concerning the configuration of community areas. The Society is mindful that there are 820 community areas in Wales and only 735 of these areas have a community or town council acting as a local voice. In the interests of promoting local democracy, the Society encourages Welsh Government to give serious consideration to creating community and town councils across all parts of Wales, especially in light of the provisions of the Bill.

Creating new local councils in all parts of Wales will offer electoral parity by providing a consistent and uniform community tier of local government. Blanket coverage will provide stronger democratic representation at grass roots level ensuring all communities have a local voice. Urban parishes in England are now being created in major, previously unparished urban conurbations to positive effect. We would ask that the Welsh Government considers introducing a similar programme of support in Wales for the creation of new urban community councils to address this point. The Society sees the Bill as the ideal vehicle for this.

The IRP in its comprehensive review of the local council sector has also recommended that “all areas should be supported by a community and town council. We believe that unless universal coverage is achieved there would be areas of unmet need, if the role we envisage for community and town councils is to be realised. Every effort should be made to ensure local communities are aware of the benefits of having a community and town council. We know there are challenges in existing community and town councils regarding attracting an appropriate number of individuals to stand for election, so more needs to be done beyond just establishing community and town councils in all areas across Wales.

“With over 730 community and town councils in Wales, it’s hard to imagine that there are community areas without a council. But, we know that there are approximately 110 communities or 30% of the country’s population without a council. Only 12 Local Authority areas in Wales have total coverage in respect of community and town councils.

“We have had difficulties in obtaining detailed evidence from those areas without full coverage. We know that in these areas, other community organisations play a similar role – for example in Merthyr Tydfil. We heard evidence from Neath Port Talbot County Borough Council, who confirmed that where community and town councils do not currently exist in the borough, they believe their ability to respond in a swift and agile fashion to the challenges posed by austerity has been demonstrably weaker.

“Local Authorities have also told us that it is often difficult to consider transferring services when they do not have coverage across the authority. The lack of coverage potentially causes issues of inconsistency and more confusion for the general public.

“We are of the view that universal coverage is important and preferable and the foundation of other recommendations. We would expect Welsh Government to make every effort to encourage, promote and support local communities which do not currently have community or town councils to establish them”.

The Society advocates that the Bill seeks to amend the Local Government Act 1972 to permit the creation of local councils in urban areas of Wales.

## **PART 8 LOCAL GOVERNMENT FINANCE**

The Society is happy to support the general provisions of this part of the Bill most of which are aimed at billing authorities. However, the Society feels the financing of local government will need to change to support the public services reform agenda. The Society believes a further separate Local Government Finance (Wales) Bill will be needed to support the reform agenda. The Society encourages Welsh Government to explore more wide-ranging reform of the local government finance system as a means of improving the sustainability of services and for greater fairness for Wales’ citizens and businesses. The Society would like to see through this separate legislation a process which is dedicated to overhauling the mechanisms for distributing, raising, managing and accounting for the funding of local government in Wales; this can be accomplished through a new finance Bill. Local councils along with principal local authorities would very much like to see business rates being retained and used locally. The Society is

keen to discuss with Welsh Government any plans to reform the funding mechanism for the local council sector including the potential allocation and use of a share of the business rates by local councils.

On a general note about finance, and notwithstanding earlier comments about the take-up of GPoC across the local council sector, the Society would welcome funding following the service and that this is included as part of the plans to reconfigure the delivery arrangements at the local council sector level. If the funding was handed down from Welsh Government direct to those local councils prepared to do more; this would avoid the double taxation argument which has been a bone of contention in many community areas when looking at the devolution of services and asset transfers from principal authorities. Perhaps this is something that Welsh Ministers will address when issuing guidance to 'eligible community councils' under Part 2 of the Bill?

## **PART 9 MISCELLANEOUS**

### **Polls consequence on community meetings**

The Society wishes to support the inclusion of Section 158 of the Bill which introduces Schedule 12 which provides for the abolition of community polls, with the exception of, community governance polls, which enable a community to hold a poll in respect of a proposal to establish or dissolve a community council or to group with other councils under a common community council.

The Society understands and accepts that Welsh Government is not looking to remove or reduce the democratic rights of communities or the opportunities available to those communities to make their views known to their local council. The Society argues the current process related to community polls to be outdated and at odds with the ever-increasing use of social media and digital resources such as electronic petitions.

### **Public Services Boards**

The Society notes that Section 161 of the Bill deals with merging and demerging public services boards under the Well-Being of Future Generations (Wales) Act 2015. The Society wonders whether there is an opportunity under the Bill to review the general composition of public services boards so as to include the appointment of community and town council representatives. There are a number of examples of this happening already, Carmarthenshire PSB being a case in point. However, formalising this through the Bill will harmonise arrangements across Wales and will be viewed as a very positive collaborative measure.

The Society has no further observations to make in regard to the remaining provisions of this part of the Bill.

### **Ministerial guidance**

The Society is aware that the Bill cites many references to the drafting of Ministerial guidance to support the various provisions relevant to the local council sector. The Society is also aware that the issuing of Ministerial guidance is now common place in Wales and has been for a number of years and particularly since the National Assembly for Wales received legislative competence to draft legislation pursuant to Part 4 of the Local Government of Wales Act 2006 as amended by the Wales Act 2017.

The Society feels that there is now a case to consolidate the guidance proposed in the Bill along with previous guidance covering other pieces of legislation to provide clerks with a composite reference source. Furthermore, the Society would be happy to discuss this further with Welsh Government as it could lead to

the production of a Welsh version of the Clerks' Manual specifically dealing with Welsh local government law.

This concludes the Society's response.

Yours sincerely,

A handwritten signature in black ink that reads "Rob Smith". The signature is written in a cursive style with a large, sweeping initial 'R'.

Rob Smith  
Chief Executive SLCC