



FUTURE OF LOCAL COUNCILS – DECEMBER 2018

Introduction

Attached is the latest statement from the Minister on Local Government Reform. The Secretary has met with Welsh Government to ascertain clarification on many of the statements and the results of that meeting are included in this report.

Panel report (accepted by Minister)

A panel was set up to report to the Minister on the way forward for Town and Community Councils.

The Minister has accepted the report and wishes to progress during 2019 to adopt many of its findings.

An extract (accepted by the Minister) is set out here:

'We believe there should be a clear distinction between what a Community and Town Council is responsible for and what the Local Authority is responsible for.'

This will provide clarity for the public and drive change. 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a full list of place based services as these services can vary based on community need and lists can quickly become out of date.



The list of place-based services (Town and Community Councils) can include:

No	Service
1	Burial Grounds
2	Bus Shelters
3	Street Furniture and Features
4	Village halls / centres/Town Halls
5	Toilets
6	Tourism
7	Tourist Information Centres
8	Libraries
9	Arts venues
10	Museums
11	Street cleaning
12	street bin collection
13	Litter
14	Grass cutting
15	Culverts
16	Drainage
17	Local footpaths
18	Pavements
19	Leisure Centres
20	Recreation Centres/Sports Halls
21	Markets
22	Sports grounds
23	Open spaces
24	Playgrounds
25	Parks
26	Allotments
27	Village transport
28	Community transport
29	War memorials and gardens

The power to take over or run any of the above services will be available to all Town and Community Councils.



However: Services may only be taken over by agreement with the principal authority.
Neither party will be under an obligation.

The list of (County Council) People-based services would include:

No	County Responsibilities
1	Regulatory and strategic
2	Electoral
3	Registrar
4	Revenue billing and collection
5	Educational
6	Housing
7	Health
8	Social Services
9	Waste management
10	Household collections
11	Recycling
12	Highways and transport
13	Highway authority for Trunk Roads
14	Maintaining roads
15	Managing traffic flows
16	Consumer protection
17	Environmental health
18	Strategic and regulatory planning
19	Economic development
20	Emergency planning

Way forward for Town and Community Councils

The Councils need to consider over the next 12 months:

- a) How fast it wishes to progress the proposals.
- b) Hold discussions with its County Council over what might or might not be available for transfer if the Town or Community Council wishes.
- c) Public consultation on a 'future plan' is required as part of engagement.



Note: The Welsh Government is offering funding to enable work to bring Councils together as clusters. The details of this will be issued on 1st February. The bids must be with Welsh Government by 31st March 2019.

It is not likely that Councils will wish to cluster with a larger Council but it is suggested that it worth doing the exercise again in the light of the proposals put out in the latest statement.

The particular matters which should be considered by the Town Council in 2019 are:

- a) Reflect on what services are important to your Community and list them.
Following that decide how to progress to achieve implementation.
- b) Support your County Council in completing a Review of Community Boundaries.
- c) Review social media contact with residents.
- d) Ensure the Council meets the Power of Competence requirements as soon as possible.
- e) Produce a form for each project with the headings – engage, design, implement report.
- f) Prepare a core training programme for Councillors.
- g) Continue to publish an annual report.
- h) Publish the budget with details of what is included – may have to go out with precept Council Tax demands.



Plan of actions for 2019 and into the future

ITEMS WHICH WILL COME INTO EFFECT	FOR FURTHER CONSIDERATION
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(It is suggested that you complete a similar exercise as below with your Council – this is just an example which Welshpool has done)

Ministers Statement	Welshpool Town Council	Ministers Statement	Welshpool Town Council
Undergo a campaign to confirm the role of Local Councils.	The Welsh Government will be completing this work.	Undergo a campaign to confirm the role of Local Councils with specific reference to urban areas	The Welsh Government will be completing this work.
Local Councils to consider what services they should deliver at local level.	Welshpool Town Council to plan what it wants to do into the future and set a plan for delivery. This may include discussions with other Local Councils.	Consider further usefulness of a placed based services, the appetite for change and the pace that can be sustained	Welshpool Town Council to plan for this over 2019.
Encourage Local Councils to form where there are none.	Not applicable to Welshpool.	Consider consulting on the merits of retaining dual hatted Councillors	Welshpool will take part in any discussions.
Using existing powers ensure reviews of boundaries area carried out regularly by the County Councils.	Discuss with PCC when they carry out such reviews.	Consult on the comprehensive review of boundaries, with legislation to deliver this.	This is with regard to larger Councils; the Town Council will need to consider this alongside the first boundary review.
Establish a better understanding of the use of social media.	Welshpool Town Council already using social media.	Consider whether to hold elections even if there is only one candidate, including costs.	Welshpool Town Council already has a policy of elections and not co-option in any event.
Undertake a campaign to get more people to stand for election.	Welshpool Town Council already does this.	Explore what can be done to provide more diversity among Councillors.	Welshpool Town Council is willing to consider this via discussions.
Provide access to the General Power of Competence to qualifying councils.	Welshpool Town Council meets the current criteria.	Lower the voting age to 16 and consider if the lower age limit to become a Town or Community Councillor should also be 16.	This is a matter for Welsh Government but the Town Council will respond when the consultation is held.



Local Councils to prepare for the General Power of Competence.	Work towards keeping the power when the current Clerk retires.	Consider the English basis for engagement with the public and the proposal to legislate for at least one public meeting a year.	Welshpool Town Council engages with the public more widely than any other Local Council and hosts public meetings as needed and also through monthly forums.
Support the establishment of joint service delivery arrangements.	Where appropriate to work with PCC on joint delivery – not just funding but proper involvement.	Explore how Local Councils could be encouraged to expand service delivery.	Welshpool Town Council will need to consider this during 2019.
Provide and share good practise on service delivery models.	Welshpool Town Council does this already.	Explore new sources of funding for Local Councils including grants and the power to trade through the Power of Competence.	Welshpool Town Council will be interested to see what transpires.
Raise awareness of existing sources of funding.	This is for Welsh Government and PCC to complete.	Facilitate a discussion on funding with Local Government including sustainability.	Welshpool Town Council will take place in the consultation process.
Identify core training and introduce a programme for Councillors.	Await proposals from Welsh Government. Welshpool Town Council to consider one day a year training.	Explore sharing of back office functions.	Welshpool Town Council needs to consider this when looking at boundary reviews.
Continue to provide a bursary scheme for smaller Councils.	Not applicable to Welshpool Town Council.	Explore a network of Clerks in Wales	The SLCC provides this already.
Encourage an increase in the number of qualified clerks.	Welshpool Town Council has a qualified Clerk and the Deputy Town Clerk is to work towards getting qualified. It will be a necessity for any new Town Clerk.	Consider how desirable, possible and how it work to appoint clerks from a national list including wider work implications.	Welshpool Town Council will take part in discussions but has not supported this proposal.
Facilitate work to strengthen key relationships between Local and Principal Councils.	Any help here is welcome.	Consider options for the provision of expert advice and support to support improvements in Local Government.	Welshpool Town Council brings in what expert advice it needs from time to time and has done since 1974.



Add a representative from Community and Town Councils in the list required by Public Service Boards.	Welshpool Town Council will be willing to put a Councillor forward for this.	Consider if Councillor training should be mandatory.	Welshpool Town Council accepts this as a principle but would not wish to be tied to any particular training programme. One Voice Wales is only one option.
Require all Town and Community Councils to issue an annual report.	Welshpool Town Council has been doing this for 12 years to date.	Explain the Welsh Audit Office and help Community Councils with audit.	Welshpool Town Council has not issues with the external audit.
Encourage Local Councils to follow the principles of engage, plan, undertake and report.	Welshpool Town Council has used this basis for over 12 years. Project forms will be included in the 2019 programme.	Explore what can be done to facilitate relationships between the two tiers of Councils and if there needs to be a statutory relationship.	Welshpool Town Council is willing to discuss how this might work.
Explore how digital mechanisms to engage and share information are used and could be used more extensively by the sector.	Welshpool Town Council is willing to engage when the opportunity arises.	Explore support for Councillor and Employee relationships when it all goes wrong.	Noted.
		Consider how the code of conduct and grievance procedures could be strengthened to address poor behaviour by Councillors.	Noted.
		Consider the case for a statutory basis to bring forward sustainable development principals to Town and Community Councils.	Welshpool Town Council would be concerned if a 'red tape' approach hinders delivery of projects and services.
		Consider the case for developing standards and guidance for community engagement.	Welshpool Town Council would work to any guidance given.
		Test the principal of no Councillor being able to be co-opted for more than one consecutive term.	Welshpool Town Council holds elections for every vacant seat so this would not be an issue to them.



		Exploring information packs being put out with the precept notifications.	Welshpool Town Council publishes what it is going to do within its budget each year and has done for 12 years. The provision of an information pack to go out to residents with their Council Tax Bills is not an issue to the Council.
		Consider whether to legislate for intervention and support arrangements.	Noted.



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Welsh Government

COMMUNITY AND TOWN COUNCIL UPDATE DECEMBER 2018

The former Cabinet Secretary for Local Government and Public Services recently issued a Written Statement setting out the Welsh Government's policy approach for the Community and Town Council sector, a statement of ambition which recognises the diversity of the sector and the communities they serve:

<https://beta.gov.wales/written-statement-future-role-community-and-town-council-sector-wales>

This update sets out in more detail the next steps in implementing the policy approach.

The policy approach is informed by the cross-party Independent Review Panel's work findings and the majority of their recommendations are being taken forward in some way.

The Welsh Government will not be issuing a detailed response to the Review – the former Cabinet Secretary was clear that he sees this as a start of a conversation about how an expanded role for community councils can be achieved and we want to explore this with you rather than predetermine what the Welsh Government position should be.

What we have done instead is identify a set of actions that the Welsh Government intends to take over the remainder of this Assembly term; a table of these actions is attached.

The emphasis of the approach is one of encouraging and enabling the sector to develop, and providing an element of choice for you to decide how far and how



COMMUNITY AND TOWN COUNCIL UPDATE DECEMBER 2018

quickly your council may decide to move forward, particularly around the role your council may wish to play in commissioning and delivering services.

There is action which we can, and will, take immediately to strengthen and support community councils.

During the remainder of this financial year we will consult with One Voice Wales on improving access to core training for councillors, and consider how a core package of training could be delivered.

We also intend to conduct a survey to understand more about how you use social and digital mediums to engage your communities, and what scope there might be to support you to expand in this area.

We are mindful that improving relationships between community and town councils and principal councils was a key finding of the Review Panel's report, particularly on areas of common ground such as how services are sustained and funded. We have already started work with One Voice Wales and the Welsh Local Government Association to consider what practical action we can take together in 2019 to address this. There is also longer term work required to ensure relationships continue to build over time – we will engage with you on how this can be achieved.

The remainder of the actions which are identified as for immediate action in the table will be taken forward in 2019-20, for example:

- We will be expanding the bursary scheme for smaller councils to subsidise training for both councillors and clerks;
- We will be continuing to support the formation of new joint arrangements for service delivery – and encourage you to put forward a bid. Details of the



COMMUNITY AND TOWN COUNCIL UPDATE DECEMBER 2018

grant will be issued to community and town councils in February 2019, for bids by 31 March 2019.

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Alongside this we want to begin a conversation with you about the way forward for areas falling under "Further Consideration". These areas are more complex than those identified for "Immediate Actions", and we have no fixed view on them now. We will undertake early exploratory work and begin consultation with the sector during 2019.

Some of the issues identified by the Review Panel merit further consideration and consultation on how to proceed. For example, further consideration is required as to whether a clearer distinction between what communities councils are responsible for and what principal councils are responsible for would help clarify the role of the sector, and whether additional, proportionate, intervention and support arrangements should be put in place.

The Review Panel recommended Welsh Government legislate in number of areas. With the exception of introducing a duty on community and town councils to report annually we do not intend to legislate at this time. Our preference is to support the sector to achieve the desired outcomes without introducing new duties through imposed legislative change.

This means, for example, that we will not look to legislate for a comprehensive review of community and town boundaries to address changes in localities at this time. Instead we intend to use existing powers to ensure local authorities conduct Community Reviews on a regular basis. We will also continue the conversation with you about whether a more fundamental review is needed.



COMMUNITY AND TOWN COUNCIL UPDATE DECEMBER 2018

Other areas we know are of particular interest to you that we want to explore further before taking action include the merits of retaining "dual hatted" councillors and to test with you the recommendation that councillors should not be able to be co-opted for more than one term, consecutively.

The Review Panel's work has raised expectations within the sector – and we welcome this. It is important that we now maintain momentum, but do so in a way that ensures we deliver the right outcomes.

We are sharing how we intend to support you in 2019-20, and how we want to work with you to explore the more complex areas requiring "further consideration", but it is ultimately for you to raise visibility, improve engagement, and determine what service delivery role you could/should play in your local area.

Hopefully, this update has helped clarify and confirm for you the next steps Welsh Government intends to take to implement its policy to support the sector.

If you have any queries about this update please email: LGPartnerships@gov.wales



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Community and Town Councils - Welsh Government Areas for Action

Theme	Immediate Action	Further Consideration
<p>Clarifying the role of the sector</p>	<ul style="list-style-type: none"> • Undertake a campaign to: <ul style="list-style-type: none"> ◦ confirm important role of sector; ◦ raise awareness of the work of community council (including in areas which don't have them); • Encourage community councils to reflect on what is required locally, in terms of the kinds of services they could deliver. • Raise awareness of the benefits of establishing new community and town councils. • Use existing powers to ensure Community Reviews are conducted on a regular basis. • Establish better understanding of use of social media by community and town councils to engage their community; and facilitate sharing of good practice. • Undertake a campaign to encourage more people to stand for election. 	<ul style="list-style-type: none"> • Alongside raising awareness of the benefits of establishing new community councils, explore other models which could provide a focus for communities in urban areas. • Consider further the usefulness of a 'place based services' distinction, the appetite for change and the pace that it could be sustained • Consider consulting on the merits of retaining 'dual hatted' councillors.
<p>Increasing democracy and participation</p>	<ul style="list-style-type: none"> • Use existing powers to ensure Community Reviews are conducted on a regular basis. • Establish better understanding of use of social media by community and town councils to engage their community; and facilitate sharing of good practice. • Undertake a campaign to encourage more people to stand for election. 	<ul style="list-style-type: none"> • Consider and potentially consult on the need for a comprehensive review of community council boundaries, recognising any action in future would require a different legislative vehicle • Consider whether to ensure that elections should be held regardless of whether seats are contested - balancing stimulating the democratic process with cost. • Explore what more can be done to promote diversity amongst councillors. • Allow the lower minimum voting age of 16 years to embed (if it goes ahead) before considering whether to lower the minimum age to stand as a community council candidate to 15 years. • Consider how local engagement and public participation has been affected in England following the introduction of the duty on Parish Councils to hold at least one public meeting per year.
<p>Building capacity</p>	<ul style="list-style-type: none"> • Provide access to the general power of competence to eligible community councils (through the Local Government and Elections Bill). • Call on community councils to prepare for the introduction of GPoC by working towards the satisfying the three eligibility criteria. • Support the establishment of joint delivery arrangements • Provide guidance, and share good practice, on different delivery models. • Raise awareness of existing sources of funding. 	<ul style="list-style-type: none"> • Explore how community councils could be encouraged to consider moving to / expanding service delivery. • Explore widening access to new sources of funding for community and town councils, for example eligibility for grants and (through the general power of competence) the power to trade. • Facilitate a conversation within local government about how services are funded and sustained • Explore scope for sharing back office functions.



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Community and Town Councils - Welsh Government Areas for Action

<p>Building capability</p>	<ul style="list-style-type: none"> Identify core training for councillors and consider the practicalities of introducing a core package of training. Continue to provide a bursary scheme for councillors and clerks to undertake training. Encourage an increase in the number of qualified clerk - as a condition for exercise of GPoC, and through support to undertake training. 	<ul style="list-style-type: none"> Explore the establishment of a "network" of community council clerks in Wales Consider how desirable, and possible, it is to go towards appointing clerks from a national list (including workforce implications) Consider options for provision of expert advice and support for the sector, within the context of the wider work supporting improvement in local government Consider whether, and how, core training for councillors should be made mandatory Explore with WAD what further support could be provided to smaller community councils to help them fulfil audit requirements.
<p>Improving relationships</p>	<ul style="list-style-type: none"> Facilitate work to strengthen key relationships between community councils and principal councils. Add a representative from community and town councils in the area to the list of required 'invited participants' on Public Services Boards 	<ul style="list-style-type: none"> Explore what else can be done to facilitate relationship building between both tiers of local government and consider whether there is a need to make structures mandatory Explore support for councillor and employee relationships, when things go wrong Consider how the Code of conduct and grievance procedures could be strengthened to address poor behaviour by councillors.
<p>Improving accountability</p>	<ul style="list-style-type: none"> Require community and town councils to publish an annual report Continue to encourage community councils to follow a cycle of "engage, plan, undertake and report". Explore how digital mechanisms to engage, meet and share information are used, and could be used more extensively, by the sector. 	<ul style="list-style-type: none"> Consider the case for legislating to extend the 'sustainable development principle' to community and town councils Consider the case for developing standards and principles for community engagement Test the recommendation that councillors should not be able to be co-opted for more than one term on a consecutive basis Explore issuing information about community councils' plans for the year with the precept notifications Consider whether to legislate for appropriate support and intervention arrangements.