



Llywodraeth Cymru
Welsh Government

Mark Isherwood MS
Committee Chair
Public Accounts and Public Administration Committee
Senedd Cymru
Cardiff Bay
CF99 1NA

31 January 2022

Dear Mr Isherwood

I am writing in response to your letter of 10 December 2021, following my attendance at Public Accounts and Public Administration Committee on 1 December 2021.

Please find below a response to each of the action points raised under the two areas of Local Government Finances and Community and Town Councils.

LOCAL GOVERNMENT FINANCES

Detailed information on Local Authority reserves

As we mentioned at the Committee, the Welsh Government does not hold the level of detail on local authority reserves that was the subject of a series of questions raised by one Committee Member. However, we have since consulted with the Welsh Local Government Association and the Society of Welsh Treasurers to determine how straightforward it would be to provide this detail and work is underway to provide a response. I hope the Committee Members will understand that this is a particularly busy time for local authority finance teams and they are currently setting council budgets and council tax for 2022-2023, but I will write again once I have more information.

Variable levels of usable reserves

Reserves are published as a snap shot at the end of the financial year. The level of uncertainty as a result of the pandemic, and the impacts on expenditure from associated delays to some programmes and projects, mean that authorities reported holding higher reserves than normal.

'Useable reserves' are often earmarked for specific purposes, which are set out in their financial statements, with a relatively small proportion designated as 'general reserves' to be utilised for any purpose. Reserves can vary depending on authorities' longer term plans, for example to use for restructuring, service change or large capital projects. Those with lower reserves may, for example, have recently completed a large project. In general there is a strong correlation between the size of an authority and the level of useable reserve. However all authorities will want to keep a minimum level of absolute reserves. This means that proportionately smaller authorities may have a higher percentage of useable reserves.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

All authorities should continue to ensure that their reserves remain adequate for planned future needs and contingencies without placing undue constraints on current expenditure. In addition some councils may have a lower risk appetite around their reserve strategies or plans for specific additional investment in services.

Business grants and any underspends

In terms of the business grants, some Local Authorities were underspent over the course of the funding rounds since April 2020, with others were overspent. All Local Authorities have been contacted and any combined underspend has been reused for the recently announced £120m fund in response to the restrictions brought in on the 26th December 2021. There will be a further exercise at the end of the financial year to recover any underspend from this latest round of funding.

COMMUNITY AND TOWN COUNCILS

Update on the recommendations of the Independent Review Panel on Community and Town Councils

At my committee appearance asked for a written update on the areas for action in response to recommendations of the Independent Review Panel on Community and Town Councils in Wales. The Minister for Finance and Local Government recently provided an update to the Housing and Local Government Committee on the areas for action. This reflects the latest position and I attach it as an Annex to this letter.

Information held by the Society for Local Council Clerks and how proposals on qualifications for clerks been received

We have contacted the Society for Local Council Clerks regarding the data they hold on qualification levels of community council clerks. They have confirmed that as of 1 December 2021, there are 73 clerks who have CiLCA, four clerks that are qualified to Level 4 (i.e. a Certificate of Higher Education) and two that have a Level 6 qualification (i.e. BA(Hons)). A clerk may hold more than one qualification.

The consultation closed on 24th September 2021 in regard to proposals to specify the qualifications a community clerk must hold in order for a council to resolve itself as eligible to exercise the general power of competence. The summary of responses was published on 3rd December and is available at the link below. The regulations were subsequently laid on 13th December 2021 and will come into force on 5th May 2022. There was broad support for the qualifications named in the consultation, including CiLCA.

English - <https://gov.wales/sites/default/files/consultations/2021-12/summary-of-responses.pdf>

Support for members to understand their duties as corporate employers of the clerks, in terms of their employment rights

There is a range of support for members – current or new – to understand their duties as corporate employers of clerks in terms of their employment rights. One Voice Wales offer a training module to all councils on the council as an employer. The Wales Training Strategy for community and town councils – developed with sector partners through the National

Training Advisory Group – notes that it will be an expectation that councillors in their first year of office will attend this module as part of their core competency in the role. This combined with the duty under s67 of the Local Government and Election Act 2021 for councils to develop a training plan gives some confidence that councillors should make this training a priority. In addition, the Good Councillor's Guide for Community and Town Councillor's, which will be updated for the new intake, provides a comprehensive briefing for councillors on their duties – including as employers.

I would be happy to provide further information or clarification on any of the above points.

Yours sincerely

A handwritten signature in black ink that reads "Tracey Burke". The signature is written in a cursive style with a large initial 'T'.

Tracey Burke
Director General, Education and Public Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: RE/616 /21

John Griffiths MS
Chair, Local Government and Housing Committee
Welsh Parliament
Cardiff Bay
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CF99 1SN

SeneddHousing@senedd.wales

29 October 2021

Dear John,

Thank you for your letter requesting further information on some of the issues we discussed during my attendance at the Local Government and Housing Committee on 22 September.

At the meeting I promised to provide further detail on work of the Independent Remuneration Panel for Wales (the Panel). The Panel is the independent body whose principal function is to make determinations on the salaries and payments principal councils, community councils, fire and rescue authorities and national park authorities make to their elected members. Its powers also include making recommendations on any proposed changes to the salaries of the chief executives of principal councils and chief fire officers.

The current remit of the Panel includes county and county borough councils, town and Community councils, national park authorities and fire and rescue authorities. The Welsh Ministers powers in relation to the Panel are limited, and are set out within the 2011 Measure, and the Local Government (Wales) Act 2015 ("the 2015 Act").

In order to exercise its function the Panel:

- Has regular dialogue with members and officers of the bodies for which it has responsibility for setting remuneration;
- Undertakes an analysis of changes in appropriate comparable remuneration structure;
- Considers any specific issues that may impact on the appropriate level of remuneration for the bodies in question;

- Engages with relevant bodies in Wales in relation to the remuneration of elected representatives i.e. the Welsh Local Government Association and One Voice Wales.

The Panel is required to produce an annual report, which will prescribe the payments and allowances for councillors and members of the organisations listed above, and may produce Supplementary Reports at any time that it considers necessary. In preparing its reports the Panel is required to take into account the likely financial impact of its decisions on the authority or authorities in question.

The Panel is currently consulting on its Annual Report for 2022/2023. The consultation will end on 26 November following which the Panel will consider any representations which will inform decisions about final determinations and content of the final Report. The consultation document can be found [here](#).

I also promised to provide an update on progress made in responding to the recommendations of the Independent Review Panel on Community and Town Councils in Wales.

While the recommendations were for all sectors to consider and take forward, the Welsh Government set out a number of key actions it proposed to take in response. The previous Minister provided a written update on Welsh Government's work with, and support for, the community and town council sector in March 2020 [\[link\]](#). I have attached a more detailed update on the progress on the areas for action at **Annex A**. As outlined in the written statement, there are still some unresolved questions raised by the review which require further thought, and the need to focus on the pandemic has delayed giving them due consideration. I intend to revisit these questions this Senedd Term, working with our partners to develop clear proposals, some of which may require further legislation.

You requested further detail on the support available to council clerks, including training packages for people new to the role, and whether any work is being undertaken or is planned to update job descriptions to ensure candidates have a clear understanding of the role and have relevant experience.

In respect of Welsh Government support, in 2021-22, we have allocated around £70k to provide funding for the full cost of undertaking the Certificate in Local Council Administration (CiLCA) for around 70 clerks. We also provide around £2k for additional general training for clerks, for example, for clerks new in post to undertake Introduction to Local Council Administration (ILCA); and other continuous professional development needs. To provide some context, in the previous two years, we offered £6k and £3k respectively to support and incentivise clerks' training and these were not fully spent. I am open to increasing the funding available if demand increased, and am working with One Voice Wales and the Society for Local Council Clerks (SLCC) to encourage this. The incoming requirement for community councils to publish training plans will provide insight into their training needs.

The Society for Local Council Clerks is the professional body for local council clerks and supports its members to gain the necessary knowledge, training and skills for their role. They offer a mentoring service for new clerks in Wales. They hold two webinars annually specifically aimed at new clerks and produce a check-sheet to support clerks who have recently started in their role. They provide advice on the role and job description of the clerk, including a specimen job description. One Voice Wales provides a range of services

and we understand that this would include support to councils wishing to appoint a new clerk.

You also requested more information about the arrangements to ensure Corporate Joint Committees (CJCs) are democratically accountable.

CJCs aim to bring more coherence to, and strip out some of the complexity of, regional governance arrangements - strengthening local democratic accountability by ensuring that it is local elected members making decisions together about local government services in an open and transparent manner and for the benefit of their citizens and communities. The leaders of each constituent council will be the members of the CJCs and they will be accountable to their constituent councils for the decisions they make as part of their CJC.

A CJC will be required to put in place appropriate overview and scrutiny arrangements in consultation and agreement with its constituent councils. This will be an important part of the democratic accountability of the CJC. A CJC will also be required to have its own governance and audit sub-committee which will have the same functions as that of one in a local authority - including to review and scrutinise the financial affairs, risk management and internal control of a CJC.

Public accountability is also a key part of ensuring the democratic accountability of a CJC. A CJC will be required to encourage participation in its decision making by members of the public, ensuring that individuals are able to contribute to the shaping of services which they and their families rely upon and which have a significant impact on their daily lives. Members of the public will be also be able to access the meetings of a CJC, including viewing meetings, in the same way as they currently do for local authorities.

Officers of a Corporate Joint Committee will be subject to the same requirements in terms of conduct, transparency and accountability as employees of local authorities.

Finally, during the meeting I referred to the *Reforming Local Government Finance in Wales: Summary of Findings* report and said I would welcome the Committee's views on the options set out. The summary of findings can be found at <https://gov.wales/reforming-local-government-finance-wales-summary-findings>.

I have written separately to you and the Chair of the Finance Committee regarding the financial allocations made from the £2 billion unallocated in June's supplementary budget.

Yours sincerely,



Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

THEME 1: Clarifying the role of the sector

The Welsh Government has consistently confirmed the important role it sees for the sector, which has been highlighted by the contribution made to responding to the pandemic and supporting their communities. We have legislated to provide community and town councils with the potential to play a more substantial and more visible role in their communities.

For instance, we have provided community and town councils with a new general power of competence through the Local Government and Elections Act 2021. We have also placed a new requirement on the sector to reflect on how they engage, plan, undertake and report to their electorate by introducing annual reporting.

We regularly communicate with community and town councils through national events arranged by the Society for Local Council Clerks and One Voice Wales. One Voice Wales work with communities locally to promote the value of community councils. We think this is a role best suited for those who are closest to the communities. Our role is to support them in good governance.

Our sector partners are taking forward work to clarify roles regarding the services community and town councils could deliver. One Voice Wales and the WLGA have established a Task and Finish Group to explore asset transfer and service delegation, and develop place-based planning. We agree with them that decisions on clarifying ‘who does what’ should be made locally and not imposed by national government.

THEME 2: Increasing democracy and participation

The review recommended that community boundaries should be reviewed regularly. It also recommended actions to increase democratic access to, and participation in, the councils.

Using existing powers to ensure Community Reviews are conducted on a regular basis is a proportionate response to ensuring that individual boundaries remain relevant. The Boundary Commission for Wales have just completed a cycle of electoral reviews which are being brought into force ahead of the next ordinary local government elections. Some of these have made changes to community council arrangements, and the recommendations from the community review in Monmouthshire are also being implemented. Following the completion of this exercise, the Welsh Government will work with local authorities to reflect on the process and plan ahead for the next cycle. For instance, it might be sensible to review the timings of community reviews to ensure they can complete in good time inform the electoral reviews.

In respect of engaging with their communities and increasing participation, we are encouraging community and town councils to make more use of free tools and

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

platforms. We have provided specific support by using evidence gathered from community and town councils to prepare and publish a digital media guide, '[Connecting with your Local Community](#)' in January 2021.

To improve public awareness and access of the work of community and town councils, the Local Government and Elections Act (Wales) 2021 provided for community councils to make arrangements to enable virtual access to council meetings. On the issue of public participation in meetings, there appears to be little impact of annual public meetings on public participation in England. Therefore we have taken a more regularised approach - from May 2022, a member of the public will have a right to make reasonable representations on a business item at any community and town council meeting. We feel this this will remove barriers for the members of communities to engage with their council.

We have also taken steps to encourage more people to stand for election to community and town councils. In October, we launched an Access to Elected Office Fund to support disabled candidates seeking election in next year's local government elections. The fund pays for practical support to allow disabled people to fully participate in the political process.

We have funded One Voice Wales to develop promotional films to share across a variety of media platforms.

We recognise that this work is a continual and sustained process. In order to inform how we might take this forward, we have:

- Issued a survey to community councillors to find out more about their experiences and barriers to inform the next iteration of this work;
- Commissioned a literature review of the remuneration of councillors in other countries; and
- Commissioned an omnibus survey to examine to better understand public perception of councils and councillors.

THEME 3: Building capacity

The key action under this area was to provide access to the general power of competence to eligible community councils, which we did under the Local Government and Elections (Wales) Act 2021. This provision comes into force from May 2022. There has been extensive engagement on the proposal to provide access to the general power, the intention to attach conditions, and what those conditions would be.

From early 2020, we have provided funding for around 70 full-funded places for the Certificate in Local Council Administration (CiLCA) to support introduction of the general power.

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

We have consistently made funding available for community and town councils to develop joint delivery arrangements through a grant to encourage such arrangements. However, the appetite from the sector was not as we might have anticipated and for 2020-21 onwards the resources for joint working were redirected to support an increased emphasis on financial management and governance training.

THEME 4: Building capability

We work with the sector bodies One Voice Wales and the Society for Local Council Clerks (SLCC), through the National Training Advisory Group (NTAG) to identify core training needs for clerks and councillors.

Whilst there is no appetite for mandatory core training from the sector, the Welsh Government has provided bursaries to incentivise training for councillors and clerks in specific areas, particularly around financial management and governance. This includes the aforementioned CiLCA bursary for community and town council clerks.

To support continuous improvement in the sector, we are exploring how we can do more to support the sector to self-evaluate and self-improve. There is work underway on a self-assessment tool which is to be piloted this autumn. The self-assessment tool, co-produced with One Voice Wales and SLCC with advice from Audit Wales, is intended to support councils to understand their audit obligations, and assist them to improve their governance arrangements.

THEME 5: Improving relationships

One Voice Wales and the WLGA took the initiative to establish a Task and Finish Group reviewing how to strengthen key relationships between community and town councils and principal councils – including whether to make certain structures mandatory. This was paused during the pandemic, but the expectation is this work will be restarted.

We remain concerned about instances where working relationships break down within community and town councils. The Welsh Government has facilitated engagement between the Ombudsman's office and the sector's representative bodies and they are collectively developing a guide for community and town councils in relation to officer complaints about bullying and harassment by individual councillors. This is expected to be published by One Voice Wales and SLCC in the coming months.

A written statement was recently issued on the [Review of the Ethical Standards Framework for Wales](#), which recommended some changes to the core Code of Conduct. The self-assessment toolkit for community and town councils includes a checklist item to ensure that all councillors have read and agree with the Code of Conduct.

Annex A – Independent Review Panel on Community and Town Councils in Wales
Welsh Government Areas for Action – Update
October 2021

THEME: Improving accountability

Provision was made in the Local Government and Elections (Wales) Act 2021 to require community and town councils to report annually to their communities. The guidance for annual reporting will support councils to be transparent to their communities on recent activities and their plans for the future.

The guidance will also encourage councils to work within the cycle of engage, plan, undertake and report. This approach will be reinforced within the self-assessment toolkit for community and town councils. The Good Councillors Guide, which sets out what is expected and what good practice looks like, is in the process of being updated before the local government elections in May.

Community and town councils will also be required to prepare and publish a training plan for councillors and clerks. It is important for councils to be transparent about their training needs and priorities to provide confidence that it has the skills needed to support their communities.



Llywodraeth Cymru
Welsh Government

Number: WG43570

Welsh Government
Consultation – summary of response

Consultation on the community council clerk qualification regulations

December 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

Overview

The Welsh Government undertook a consultation on draft regulations specifying the qualifications that the clerk to a community council must hold in order for a community council to meet the second of three eligibility conditions for the purpose of exercising the general power of competence. This document provides a summary of responses received.

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

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Cathays Park
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CF10 3NQ

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: <https://gov.wales/community-council-clerk-qualifications-regulations>

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Introduction – Background to the consultation

Section 24 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') gives qualifying local authorities a general power of competence ('the general power'). The general power gives these authorities the power to do anything that an individual generally can do, provided they act rationally and within the law. Section 25 provides boundaries of the general power and section 26 provides limits on doing things for commercial purpose in exercise of the general power. Qualifying local authorities are specified in the 2021 Act as principal councils and 'eligible community councils'.

The conditions a community council must satisfy in order to resolve itself an 'eligible community council' are:

- at least two-thirds of the total number of members of the council have been declared to be elected, whether at an ordinary election or at a by-election;
- the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations;
- the council has received unqualified auditor's opinions from the Auditor General for Wales, for two consecutive financial years. The latest unqualified auditor's opinion must have been received during the 12 months preceding the day on which the council will resolve itself to become eligible.

Consultation process

The Welsh Government undertook a formal consultation on draft regulations specifying the qualifications that the clerk to a community council must hold in order for the community council to meet the second of the three eligibility conditions to become an eligible community council. The consultation was open for responses between 28 June 2021 and 24 September 2021.

Online versions of the formal consultation document and the draft regulations were provided in English and Welsh on the Welsh Government website. The link to the consultation was sent to all community and town councils in Wales as well as a range of other stakeholders.

Responses received

A total of 117 responses were received by the deadline. No further responses were received after the deadline.

Responses were received as follows:

- 87 responses from the community and town council sector
- 1 response from a county or county borough council
- 4 responses from audit/inspection/regulator/commissioner bodies
- 3 responses from representative bodies, professional bodies or associations
- 12 responses from members of the public
- 10 anonymous responses

Summary of response

This document is intended as a summary of the responses received. It does not aim to capture in detail every point raised by respondents.

Six questions were asked in the consultation document and the responses to each are summarised below.

Not all questions were answered by all respondents and some gave a general response to the consultation rather than answering specific questions. Where this is the case we have included their response under the most appropriate question or included in the summary of responses to question six.

Question 1: Does the type of qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power?

There were a total of 102 direct, yes / no, responses to this question, of which 70 agreed that the type of qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power. A further 3 respondents said they could not answer the question categorically, indicating they presumed the qualifications would give the level of competence required. Another respondent added a comment in response to the question that they believe all clerks have the core knowledge required.

Some respondents who answered in the affirmative to this question added further comments, including:-

- The Certificate in Local Council Administration (“CiLCA”) should be the minimum and the other qualifications dependent on the size of the council.
- CiLCA qualification is sufficient for small and medium community councils.
- The qualifications specified in the consultation are suitable, sector-specific qualifications and align with England’s approach to the general power of competence.
- The qualification has to be recognised as a basic requirement when new clerks are appointed and should be specified in the advertisement.
- It is vital that clerks’ knowledge and skills are kept up-to-date, with mandatory continuing professional development considered after a specified time period after achieving the CiLCA qualification.
- Time must be allowed for current clerks to achieve the qualification if it is to be essential.
- Clerks also need to undertake basic training within 3 months of appointment.

A small number of those who agree the qualifications specified give confidence that the clerk has the core knowledge said that recognition should also be given to those who have worked in the role for a number of years.

Of the 32 respondents who explicitly disagreed that the qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power, the following key points were raised:-

- The proposed list of qualifications does not recognise the range of qualifications held by senior local government officers.
- A qualification is only part of the assessment of whether someone can perform effectively, other things like competencies, experience and local knowledge are also important.
- Other qualifications (including finance and vocational qualifications) and experience should be taken into account.
- The qualifications may be suitable for the larger councils but would not be necessary for a small community council.

- Length of service should also be recognised, for example 4 or more years in post.
- Experienced clerks should not be expected to obtain an additional qualification.
- There should be a range of core training for clerks and it should not be essential that they hold the qualification before commencing the role as this would increase recruitment problems.
- More detail is required on the qualifications to enable comment on whether they would give confidence.

Some respondents suggested that there are other qualifications which would give the same level of confidence, including:-

- A qualification in equality, equity and diversity and unconscious bias.
- Qualification to degree level or equivalent
- Other qualifications such as Master of Public Administration, along with two years' experience as a clerk or five as deputy clerk or councillor.

Some respondents raised practical challenges:-

- The costs of the course will have to be met by the council, in addition to the clerk's salary, and smaller councils will not have the funding to enable their clerk to complete the training.
- The requirement will make it harder to recruit clerks.

Other points raised in response to this question were:-

- New clerks should complete basic training within 3 months of their appointment.
- Suggestion of a basic outline training course with a test so *'ex-professionals can be brought up to speed on legislative requirements and duties'*.
- Ensuring clerks' knowledge and skills remain up to date is also important.
- The Responsible Financial Officer should also be required to have FiLCA: Financial Introduction to Local Council Administration.
- Clerks should also be able to demonstrate that they can wisely use the general power.
- Implications for being an eligible community council if a clerk with the required qualification leaves their role.

Question 2: Does each title description make it clear which qualifications are being specified?

There were a total of 101 responses to this question, of which 85 agreed that each title description makes it clear which qualifications are being specified.

Of those who did not agree that the title descriptions are clear which qualifications are being specified, the following issues were raised:-

- Not specific enough information provided of the skills and knowledge each qualification provides.
- Unclear which level of CiLCA is referred to.
- Unclear whether it is CiLCA for Wales or England or either required.
- Higher education qualifications not clearly understood.
- CiLCA should be the standard requirement.

Other comments

- CiLCA qualification should be reviewed and designed to meet the needs of local government in Wales.
- Clerks of small councils do not require these qualifications.

Question 3: Are there other appropriate sectoral qualifications that should be considered for inclusion in the draft regulations?

A total of 74 respondents submitted a response to this question. Of those that responded, 26 said they had no further qualifications to suggest, or that they agreed CiLCA is the appropriate qualification, or that they did not, or could not be expected to, have sufficient knowledge of sectoral qualifications.

One Voice Wales supported CiLCA as the minimum qualification for clerks as one of the conditions for a council being able to resolve itself an eligible community council for the purposes of the general power of competence.

The Society for Local Council Clerks (SLCC) responded that there are no other appropriate sectoral qualification that should be considered for inclusion in the regulations, adding that SLCC fully supports the requirement for a qualified clerk as one of the conditions for a council to resolve itself an 'eligible community council'. SLCC notes in its response:-

'CiLCA (Wales) is a sector specific qualification that 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 has been refreshed for 2021 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 Ascentis 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).'

The SLCC's response goes on to say that accountancy and law qualifications are not '*specific or tailored to the local council sector*'. The SLCC response also supported the other proposed qualifications in the draft regulations, noting they build on the CiLCA curriculum.

A number of responses to this question made suggestions of other qualifications that should be considered:-

- Degree equivalent in eg business studies, politics, law, accountancy
- Level 5 ILM/NVQs/City&Guild
- Financial management qualifications
- CIPFA, ACA, ACCA
- Chartered Institute of Secretaries
- Chartered Institute of Personnel and Development
- Royal Institute of Chartered Surveyors
- Local government recognised qualifications

- GCSE IT
- Masters of Public Administration

Six respondents referred to ILCA: Introduction to Local Council Administration, 2 specifically noting that this should be a minimum for assistant clerks, 1 noting that it should be obtained soon after appointment and another noting it is a building block towards CiLCA.

One respondent suggested CiLCA plus a minimum of two years' experience in post, while another suggested the Masters of Public Administration plus experience as a clerk, deputy clerk or councillor.

Other responses referred to specific training that clerks require, for example, one respondent commented that it is vital that clerks are up-to-date with legislation while another suggested compulsory equality, equity and diversity training and qualifications. Three responses referred to Welsh language training.

Some key behaviours were also highlighted as important for community council clerks such as team working and communication.

A small number of respondents commented in response to this question that the qualifications proposed in the consultation would have an impact on recruitment / retention of clerks, with three referring to the cost of training in terms of clerks' time and the training itself.

Eleven responses referred to recognising the prior experience in the role of the clerk, some mentioning specific lengths of service that should be taken into account ranging from four to ten years. Nine responses referred to recognising prior learning or experience gained from other sectors.

Question 4: We would like to know your views on the effects that the draft regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

A total of 69 respondents replied directly to this question.

A number of responses from the community council sector referenced their location and own council's use of the Welsh language.

Eighteen responses stated that the draft regulations would have no effect on the Welsh language. Five respondents commented they did not understand the relevance of the question.

Four respondents said there would be implications for the Welsh Language as the potential pool of applicants would be made smaller as a result of the regulations.

Some respondents referred to there being benefits if there is an opportunity to complete the qualifications through the medium of Welsh, such as encouraging Welsh speakers to consider taking the courses, or specific terminology being used more frequently.

Three respondents commented that the awarding bodies for the qualifications in the draft regulations are all in England and that Welsh institutions should be encouraged to offer the courses. Two respondents commented that the course material and tuition is probably not available in Welsh and they felt this is linguistically discriminatory and does not treat the Welsh language on an equal level with the English language.

The response from the Welsh Language Commissioner stated the following:-

'The consultation document explains that candidates for the Certificate in Local Council Administration (CiLCA) can submit their portfolio in Welsh or English, and that a Welsh-speaking assessor is available to assess Welsh language portfolios. We strongly support this. It acknowledges the official status of the Welsh language in Wales, which was established by the Welsh Language (Wales) Measure 2011. By facilitating the use of Welsh, it also supports the aim of the Welsh Government's Cymraeg 2050 strategy to increase the number of Welsh speakers and increase the use of the Welsh language.'

Question 5: Please also explain how you believe the draft regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

There were a total of 40 responses to this question. A number of respondents either did not respond to this question or referred to their response to the previous question.

A number of responses from the community council sector referenced use of the Welsh language generally rather than commenting specifically on how the draft regulations could be formulated to have increased positive effects on opportunities to use the Welsh language.

Some points raised were:-

- If the course is the same whether studied through the medium of Welsh or English there would be no difference to the service provided by the clerk.
- There is a wider issue than the draft regulations – resources should be in place to help the sector e.g. with maintaining a bilingual website.
- Encourage the use of frequently used terminology through the medium of Welsh.
- Make it compulsory for all clerks to have a minimum of Level 2 written and verbal Welsh language skills by 2025-26.
- Specific training could be provided for clerks in understanding the Welsh Language Act and promoting the use of Welsh.
- Encourage proposed courses to be offered at a Welsh institution.
- Four responses referred to bi-lingual course provision.

The Welsh Language Commissioner welcomed the introduction of a specific module on the general power of competence in Wales. The Commissioner's response also noted *'We urge you strongly to discuss with the Society how to make the qualification even more relevant and valuable, by including a module that would ensure an understanding of the status and situation of the Welsh language in Wales'*.

Question 6: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Question 6 provided an opportunity to raise any related issues which were not specifically addressed by other questions. There were 68 responses to this question (including some taken from covering letters) which covered a range of issues that respondents wished to raise or reiterate their position on.

Some comments in response to this question related to the qualifications proposed in the draft regulations:-

- Clerks are scrutinised each year through audit of accounts.
- Qualification requirements should only apply to larger town councils.
- Requiring specific qualifications does not necessarily support councils to recruit or retain the right staff, and knowledge and expertise should be assessed more flexibly.
- Qualified clerks are an asset to the council with or without the general power of competence.
- Competency requirements for clerks supported for improving effectiveness.
- Suggestion that there may be benefit in sufficient numbers of people with the required skills and experience being available for recruitment or trained in a reasonable time.
- Question of whether there should also be a requirement to have a working knowledge of IT.
- Succession planning is considered important, with questions about what happens if the qualified clerk leaves a council that has resolved itself eligible.
- An existing clerk should not be forced to undertake the qualification.
- Cost and time implications of the clerk achieving the qualification, particularly for smaller councils.
- Length of service should be taken into account, not only qualifications.
- SLCC could devise a written test for long standing clerks with short training sessions to address any gaps in understanding.
- An annual test on recent legislation should be introduced to ensure clerks are up-to-date on legislative changes.
- Consultation does not take into account the diversity of community councils.
- Suggestion that the qualifications are regarded as 'preferable' or that councils could ask that clerks be 'working towards' them; also that the requirements should apply to future rather than current clerks.
- There should be a means to verify qualifications of the clerk.
- If the proposed list of qualifications is not widened, there will be councils not in a position to resolve themselves eligible.
- Questions over accrediting prior learning, funding of the training proposed and for remuneration to reflect qualifications.
- There should be flexibility for a member of staff other than the clerk to hold the qualifications.
- 'CiLCA is a robust and all round qualification'.

- A qualified clerk is an asset to a council either with or without the general power.
- Concern that someone could undertake the qualification without having experience of the sector, and some criteria to assess whether clerk is competent in practice is also needed.
- Suggestion that qualifications could be differentiated according to the size of the council.
- Experience and local knowledge more important than qualifications and councils with experienced clerks should not be prevented from becoming an eligible community council for the purposes of the general power.
- One respondent questioned whether there could be some flexibility if other council staff hold one of the qualifications but the clerk does not.
- CiLCA and ILCA are not reflective of the role of a clerk in a small community council.
- Focus should be on responding where a clerk is considered '*not up to the job*', rather than applying a qualification requirement to all.

Some points raised related to the general power of competence more broadly:-

- One respondent commented that the smallest councils are not attracted to the general power but may feel that they need to recruit someone with one of the qualifications to ensure flexibility for the future.
- A question was raised about whether there are enforcement powers in relation to the conditions.
- Smaller councils should not be included in the general power of competence.
- Staffing capacity should be considered before a council can use the general power.
- Question over what happens to councils that do not resolve themselves eligible, and concern over the implications if implementation is 'forced'.

Some comments in response to this question went beyond the draft regulations and related to wider community council sector matters:-

- There should be some rationalisation of community councils.
- This is only one part of improving community councils, experience and qualifications of community councillors is also important.
- Sector needs improved sources of advice available and accessible.

Qualifications Wales notes in its response that three of the four qualifications proposed are validated or awarded by Higher Education Institutions and are within the remit of the Higher Education Funding Council for Wales (HEFCW) and the Quality Assurance Agency for Higher Education (QAA). CiLCA is offered by Ascentis, who are recognised and regulated by Qualifications Wales. However, Ascentis have excluded CiLCA from their scope of recognition and it is not regulated or monitored by Qualifications Wales. Qualifications Wales note, however, that the CiLCA training programme is well established. The response also includes a comment that '*naming specific qualifications in Regulations can be problematic, requiring new Regulations to be drafted should there be any changes to the qualification titles, the providers, or if the qualifications cease / are withdrawn. At*

present there is a single training provider delivering the CiLCA programme and therefore there is also a risk should the provider for any reason be unable to operate.'

Audit Wales stated in response to the consultation: *'To ensure that the qualifications listed in the regulations are, and remain, sufficient, we think that the Welsh Government needs to review, and obtain expert advice on, the relevance and effectiveness of the qualifications in some detail on an ongoing basis.'*

The Public Services Ombudsman notes that the proposed qualifications seem appropriate and relevant to the clerk role. The Ombudsman's response adds that the time it takes to complete the qualifications, and the recommendation from the SLCC that a clerk is in post for a minimum of 12 months before applying for CiLCA, could mean that councils with newly appointed clerks that do not have the proposed qualifications could be delayed in being able to resolve themselves an eligible community council. The Ombudsman asked for consideration to accepting alternative aligned qualifications and relevant experience. The Ombudsman also noted the bursaries currently available towards the cost of training, and asked for consideration of funding for the long term.

Considerations

The Welsh Government values all the responses received to the consultation. Whilst this report will not be providing a response to each of the issues raised, the responses have been carefully considered and taken into account when finalising the draft regulations.

It is noted that the majority of respondents to the consultation agreed that the qualifications specified in the draft regulations give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power of competence. The vast majority of respondents also agreed that the title descriptions are clear on the qualifications specified.

Some respondents put forward alternative qualifications for consideration for the draft regulations. There was no consensus on other suitable, sector specific qualifications. While the qualifications proposed are acknowledged in terms of level of attainment, they are not considered specific to the community and town council sector. The extent to which the content of these qualifications would be applicable to the sector would vary.

Some respondents also suggested that experience in a clerk role should be taken into account, with suggested time-spans varying between four and ten years. While experience is acknowledged, it cannot be objectively measured for the purposes of assuring that a clerk is suitably equipped to support a council to exercise the new general power of competence. This subjectivity is reflected in the different suggestions of number of years to be taken into account as sufficient experience.

Some of the responses appeared to be of the understanding that the qualifications would be a requirement for all council clerks, with some specifically pointing out that it should be for larger councils while it would be unnecessary for smaller councils, and others raising concerns that it would result in clerks having to leave the sector.

It is important to emphasise that a community council does **not** have to pursue the conditions for the general power of competence unless it wishes to do so. The qualification requirement detailed in the draft regulations as consulted on is only for those councils, regardless of size, that wish to resolve themselves as an eligible community council for the purposes of exercising the general power of competence. Councils which do not wish to exercise the general power of competence will **not** be required to have a clerk with qualifications set out in the regulations. The general power under section 137(1) of the Local Government Act 1972 has been retained for community councils that do not wish to resolve themselves as eligible community councils, or are not yet able to satisfy the eligibility conditions. A council that does not wish to utilise the new general power of competence would continue to rely on section 137 of the Local Government Act 1972, with the financial limits that apply.

Some respondents referred to the cost of training, both in terms of funding the qualifications themselves and the time for the clerk to undertake their studies. Welsh Government currently provides [bursary funding](#) to enable clerks to undertake the full CiLCA certificate, and would encourage councils and clerks to take advantage of this opportunity. This CiLCA bursary funding is reviewed on an annual basis.

The responses to the consultation also referred to the importance of clerks keeping their skills up-to-date. We would encourage clerks to consider the range of continuing professional development opportunities available. In recognition of this, Welsh Government has made a bursary available for clerks to cover 50% of the cost of ILCA, SLCC training courses, SLCC conferences or SLCC CPD events up to a maximum bursary payment of £100. This is available in the 2021-22 financial year.

One respondent was unclear about which CiLCA programme was referred to. There is only one Certificate in Local Council Administration (CiLCA). One of the modules of CiLCA relates to legislation and the content of which is different depending on whether the English or Welsh version of the course is requested. The resulting certificate is the same in either case.

One respondent had queried whether the requirement was for a Wales-specific CiLCA qualification, while another suggested the qualification should be reviewed and designed for local government in Wales. There is only one CiLCA qualification, although clerks undertaking the training in Wales will have content and legislation tailored to the Welsh context. The SLCC is currently updating the delivery of the CiLCA qualification for Wales to incorporate a module relating to the general power of competence in Wales. The module will also be available as a standalone module for those who have already achieved CiLCA.

A number of questions were asked in response to this consultation about the practicalities of exercising the general power of competence. We will be issuing statutory guidance to community and town councils on their new powers and duties as set out in the 2021 Act. This will include a section on exercising the general power of competence and questions raised in this consultation will be reflected in the guidance. The guidance will be subject to consultation later this year and Welsh Government is committed to working closely with sector partners to ensure the guidance meets the needs of community and town councils in Wales

Some respondents raised concerns that the awarding bodies for the qualifications in the draft regulations are all based in England. The consultation did not identify a suitable alternative from a Welsh body.

During the consultation, we became aware of an issue regarding the Welsh medium provision for CiLCA. We had understood that there was full bilingual support for training and completion of the course in Wales. However, this was not the case for all aspects of the CiLCA course. As part of the commitment to supporting Cymraeg 2050, we will work with SLCC and partners to ensure that the experience of a clerk undertaking CiLCA is the same whether they take the course through the medium of Welsh or English.

Qualifications Wales noted that CiLCA is an unregulated qualification. However, it is the primary sector-specific training certificate for community council clerks, endorsed by SLCC. A person who completes CiLCA is widely recognised as having the training necessary to complete the key parts of their role. We will be clear in the materials supporting these regulations that this is the case.

Qualifications Wales notes the risk of naming the relevant qualification in regulations and of the dependency on a single provider regarding CiLCA. Audit Wales comment that the Welsh Government should '*...review, and obtain expert advice on, the relevance and effectiveness of the qualifications in some detail on an ongoing basis.*' Our view is that, in this case, we do want to name specific qualifications due to the sector-specific nature of the qualifications required. There is a slow turnover of appropriate qualifications which mitigates the risk of regular amendments to regulations. We agree with Audit Wales that, from time to time, Welsh Government should review options for appropriate qualifications to support the exercise of the general power of competence in community and town councils.

Some respondents referred to the need to ensure all clerks keep their skills updated. We agree ensuring that community council staff, and members, are suitably trained to fulfil their roles is key to building the capacity and capability of the sector. Section 67 of the 2021 Act requires community councils to make and publish a plan about the training provisions for its members and staff. The first training plans must be published by 5 November 2022 and the statutory guidance referred to above will seek to support councils in developing these plans.

Next steps

There are no changes proposed to the draft regulations in light of responses to the consultation.

There is clear confidence that CiLCA provides the appropriate sector-specific training for clerks to enable them to support their council – particularly from the main sector representative bodies. The other specified qualifications also meet that requirement. Other qualifications identified in responses are not specific enough to provide an objective indicator that the clerk has received training in how to support the council in using the general power. Time served is also too subjective a measure. We would encourage established clerks, in councils who wish to use the general power of competence, to make use of the bursary scheme.

The Welsh Government has worked with the SLCC, as the training provider, and Ascentis, as the awarding body, to address the issue with Welsh medium provision. From no later than 5 May 2022, the user experience of taking CiLCA through the medium of English or Welsh will be the same. We are thankful to SLCC and Ascentis for their support in resolving this.

Other issues raised can be addressed in the statutory guidance to support community and town councils in implementing the various provisions in the 2021 Act that apply to them. We will issue draft guidance for consultation later this calendar year that will provide advice on preparing a council for exercising the general power.

We will work with partners in One Voice Wales and SLCC to provide support to the sector for changes resulting from the 2021 Act to ensure suitable implementation. We intend to make the regulations later in 2021 with a coming into force date of 5 May 2022, to coincide with the introduction of the general power of competence for community and town councils.

Annex A – List of respondents to the consultation

Community and town council sector

87 submissions*

* This reflects the number of submissions which came from the community council sector. It was unclear from many of the responses whether the response was an individual, personal response from a clerk or councillor, or a formal response on behalf of a council. In addition, more than one response was received from some councils, either from two councillors or the council and a separate response from the clerk.

County or county borough council

Merthyr Tydfil County Borough Council

Audit/inspection/regulator/commissioner bodies

Audit Wales
Public Services Ombudsman for Wales
Qualifications Wales
Welsh Language Commissioner

Representative bodies, professional bodies or associations

One Voice Wales
Society of Local Council Clerks
North and Mid Wales Association of Local Council Clerks

Members of the public

12 submissions

Anonymous

10 submissions