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Education and Public Services Group



Llywodraeth Cymru
Welsh Government

Nick Ramsay AM
Public Accounts Committee Chair
National Assembly for Wales
Cardiff Bay
CF99 1NA

11 November 2019

Dear Mr Ramsay

Evidence Paper – Town & Community Councils

I am pleased to enclose an Evidence Paper in advance of my attendance at Public Accounts Committee on 25 November.

Yours sincerely

Tracey Burke



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Evidence Paper for the Public Accounts Committee on 25 November 2019

1. Introduction

This paper seeks to provide background and relevant evidence in relation to the Welsh Government's views on the specific areas of interest highlighted by the Committee, i.e.:

- Auditor General for Wales Reports on Financial Management and Governance – Town and Community Councils 2017-18 and Internal Audit Arrangements at Town and Community Councils 2017-18 (both January 2019);
- Auditor General for Wales Discussion Paper - Six Themes to help make scrutiny 'Fit for the Future' (February 2019).

2. Financial Management and Governance - Town and Community Councils and Internal Audit Arrangements at Town and Community Councils

The legislative framework within which town and community councils operate largely derives from the Local Government Act 1972. They are an entirely discretionary tier of local government with communities being able to decide, subject to following certain procedures set out in the 1972 Act, whether to establish or dissolve a community council.

The prime responsibility of sound governance sits with community councils themselves. This includes considering how councils operate, e.g. whether they have standing orders, whether councillors are sufficiently trained for their role, and internal checks and balances.

In July 2017, a Review of the Community and Town Council Sector was established by the Welsh Government to consider how community and town councils can be strengthened so they are best able to support their communities.

In January 2019, the Auditor General for Wales (AGW) published two reports relating to town and community councils, namely:

- Financial Management and Governance – Town and Community Councils 2017-18; and
- Internal Audit Arrangements at Town and Community Councils in Wales.

The Auditor General Wales can also issue reports in the public interest to draw the public's attention to inadequacies in financial management. Since December 2018, there have been a number of such reports in the public interest.

In May 2019 I wrote to the Public Accounts Committee noting my concerns regarding the AGW's findings in relation to the current standard of financial management and governance and internal audit arrangements. In that letter, which I append for ease of reference, I set out our detailed response to the Committee's three main areas of interest (**Appendix A**):

- Our response to the findings of the Independent Review of Community and Town Councils;
- Our response to the Auditor General for Wales' reports referred to above;
- Our actions to support governance, financial management and accountability in the sector.

My letter from May of this year provides detail on all the areas. Many of the responses and actions are inter-related across all three areas.

Following the conclusion of the Independent Review Panel on Community and Town Councils in Wales, Welsh Ministers agreed with the Panel's recommendation that community councils should be retained and that an enabling approach was the right way forward, encouraging and enabling the sector to develop at a pace that was right for them rather than seeking to force change. The emphasis was on strengthening community councils and creating an environment for them to expand their activities where they could, and should, play a greater role based on local need.

We have set out a number of actions to be undertaken over the remainder of this Assembly term to create this enabling environment. The table at **Annex 2 of my letter** contains these actions, which are divided into immediate actions and those requiring further consideration.

Whilst it is the responsibility of every council to carry out its statutory duties and to follow proper practices to account for the public money entrusted to them, we continue to provide support for community and town councils, their councillors and their clerks.

In keeping with the [national statement of ambition](#) expressed by the-then Cabinet Secretary for Local Government last year, our policy emphasis has been on enabling and equipping the sector to develop into the expanded role envisaged by the Cabinet Secretary.

Areas where we provide support include:

- Providing funding to support One Voice Wales (OVW) who deliver a range of training modules for councillors, including understanding the relevant legislation and financial management. They charge a below-market rate fee to provide additional training.
- Providing a councillor bursary scheme, targeting smaller councils with a budget turnover of £40,000 or less, to encourage and enable them to benefit from these training opportunities. The scheme is promoted and managed by OVW.
- Expanding the training bursary scheme for clerks which enables them to undertake a sector-specific qualification - the Certificate in Local Council Administration (CiLCA). The threshold for councils eligible for support has been increased this year from those councils with a budgeted turnover of less than £40k to include those with a budgeted turnover of less than £100k.
- In addition, we have started to put in place online training for councillors with introductory e-learning modules available, free of charge, through the OVW website to all councillors.
- A Welsh Government official sits on the Local Councils Audit Liaison Group, which includes the Wales Audit Office (WAO) and auditors, as well as the representative bodies OVW and the Society of Local Council Clerks (SLCC). This Group discusses common issues identified through the audit process and the ways in which councils can be supported to address these issues.

We are also taking steps to ensure proportionate accountability for community and town councils, i.e.:

- Welsh Ministers have indicated that the Local Government and Elections Bill will include a duty on community and town councils to prepare an annual report. This will ensure transparency on how councils engage with their communities.
- We are surveying how community and town councils use social media and other digital mechanisms to engage their communities.
- The Minister for Housing and Local Government asked officials to explore options to strengthen governance within the sector to ensure community

councils are professionally supported, professionally run, with a structured approach to support and guidance.

- Finally, I have confirmed support for the AGW's plan to review the current audit arrangements to determine if they remain fit for purpose with an intention to consult on the outcome of the review and any changes to the audit arrangements in late 2019. I understand that the Auditor General will update us on the outcome of this review in due course, and that any changes to the audit arrangements arising from the review are expected to be implemented for the 2020-21 audit.

3. Auditor General for Wales Discussion Paper - Six Themes to help make scrutiny 'Fit for the Future' (February 2019);

In May 2019, I updated the Committee on the AGW's Discussion Paper, Six Themes to help make scrutiny 'Fit for the Future' which was previously discussed at Public Accounts Committee in March 2019. The six themes in question are:

1. Clarification of roles and responsibilities
2. Improving public engagement in scrutiny
3. Rigour around scrutiny planning
4. Responding to current and future challenges around scrutiny support
5. Evaluation of effectiveness of scrutiny
6. The implications of the above themes for councils' and partnership governance arrangements.

The Discussion Paper identified key areas where it is considered improvements can be made. We agreed these are important areas for further work and acknowledged the work of local authorities, the Welsh Local Government Association (WLGA) and others in recent years to initiate development in this area.

The Welsh Government's role is to ensure there is a framework in place, both in legislative and policy terms, to facilitate good local government, rather than it being for us to 'place reliance on local authority scrutiny'. It is then for local authorities to work within that framework and ensure they have the appropriate local measures in place to deliver purposeful and productive scrutiny.

We intend to introduce a new performance and governance framework through the Local Government and Elections (Wales) Bill later this month. This new framework is intended to replace the current improvement mechanism within the Local Government (Wales) Measure 2009 and aims to support cultural and organisational change within local government.

Fundamentally, local government is accountable to the local population and key to strengthening arrangements is greater exposure of council decision making to local citizens. We are working with the WGLA to support this through awareness and training for those involved in the system.

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Education and Public Services Group



Llywodraeth Cymru
Welsh Government

Ref:

Nick Ramsay AM
Chair of the Public Accounts Committee
National Assembly for Wales

9 May 2019

Dear Mr Ramsay

Town and Community Councils

Thank you for your letter of 9 April seeking a response from the Welsh Government to the Independent Review Panel findings, and the two reports produced by the Auditor General; to establish what action is being taken, and what support is being provided in this area.

I share the Auditor General's concerns, both regarding the continuing high number of community councils that have received qualified audit opinions; and about internal audit arrangements at community and town councils in Wales. Indeed, I wrote to the Auditor General on 16 January expressing my concern at the standard of financial management and governance outlined in his reports.

Although community and town councils are independently accountable, ultimately to their electorate for their actions, Welsh Government has a clear interest in supporting the improvement of the financial management and governance of the sector.

I set out below my response to your three areas of interest.



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1) Welsh Government's response to the findings of the of Independent Review Panel on Community and Town Councils in Wales

The Welsh Government was very appreciative of the time and consideration the Panel gave to the Review and for their thoughtful report on Community and Town Councils in Wales. The report sets out a comprehensive analysis of the sector, which offers valuable insight for the Welsh Government and for those working within the sector.

It has informed the Welsh Government's policy approach for the community and town council sector, set out in the Written Statement by the Cabinet Secretary for Local Government, issued on 30 November 2018 (**Annex 1**).

The emphasis is on encouraging and enabling the sector to develop, providing an element of choice for community and town councils to decide how far and how quickly they progress, particularly in terms of their role in commissioning and delivering services. This provides a clear, national statement of ambition which recognises the diversity of the sector and the communities they serve.

We believe the approach is considered, proportionate and measured. It responds to the calls in the Independent Panel Review report for greater clarity for the sector; provides an opportunity for councils to strengthen, through building their capacity and capability; and puts in place processes to increase accountability and increase participation.

We have set out a number of actions we are committed to take over the remainder of this Assembly term to create this enabling environment. The table at **Annex 2** contains these actions, which are divided into "immediate actions" and those requiring "further consideration".

Areas where immediate action can be taken are largely practical steps which are not particularly complex or controversial, that can be taken without requiring significant additional resource either from the Welsh Government or stakeholders. These actions will be largely taken forward in 2019-20. Some of them were commissioned ahead of the start of the 2019-20 financial year - such as the work to improve access to training for the 8,000 community and town councillors in Wales by producing a series of on-line, introductory core training modules.

Areas identified for further consideration are those which we believe have merit in principle, but require further thought. They are broadly issues which are more complex and more work is needed before a decision on whether, or how to proceed can be taken. For example, whether a clearer distinction between what community



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councils are responsible for and what principal councils are responsible for would help clarify the role of the sector. The intention is to explore all of them before the end of this Assembly term, engaging with the sector and other stakeholders as we work through each area.

I set out in more detail what actions are being taken to support governance, financial management and accountability in the sector below.

2) The Welsh Government's response to the two WAO reports on Financial Management and Governance – Town and Community Councils 2017-18; and Internal Audit Arrangements at Town and Community Councils in Wales.

As I mentioned above, I wrote to the Auditor General in January to note the publication of the most recent assessment of the financial management and governance of the town and community councils across Wales, and to express concern to see that the current standard of financial management and governance remains disappointing at too many community and town councils.

It is the responsibility of every council to carry out its statutory duties and to follow proper practices to account for the public money entrusted to them. The Welsh Government would expect all councils to have robust financial management and internal control arrangements in place and to comply with their statutory requirements. Robust internal audit arrangements are a key part of this.

The 2017-18 audit is the midway point of the current arrangements, therefore, it is appropriate to take stock of the progress made by the sector and to consider if the current audit arrangements are fit for purpose.

I have confirmed support for the Auditor General's plan to review the current audit arrangements to determine if they remain fit for purpose with an intention to consult on the outcome of the review and any changes to the audit arrangements in late 2019. I understand that the Auditor General will update us on the outcome of this review in due course, and that any changes to the audit arrangements arising from the review are expected to be implemented for the 2020-21 audit.



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3) Actions being taken by the Welsh Government to support governance, financial management and accountability in the sector

Supporting Governance

The prime responsibility of ensuring sound governance sits with community councils themselves. Our support is focused on ensuring that councillors, and the staff that support them, are equipped to play their role effectively with the aim of preventing issues of poor governance arising.

One Voice Wales (OVW), recognised by the Welsh Government as the sector's representative body, delivers a range of training modules for councillors, including modules in, for example, 'Local Government Finance', at both introduction and advanced levels; 'Understanding the Law'; and 'The Councillor'.

We provide a councillor bursary scheme, targeting smaller councils with a budget turnover of £40,000 or less, to encourage and enable them to benefit from these training opportunities. The scheme is promoted and managed by OVW.

In addition to this, we are exploring the potential for online training for councillors. Introductory e-learning modules have been prepared for councillor training in the following areas:

- Induction
- Code of conduct
- Being an employer
- Diversity and inclusion
- Health and Safety.
- Introduction to finance
- Introduction to understanding the law

The e-learning modules will be made available, free of charge, through the OVW website to all councillors, regardless of whether their council is in OVW membership. The modules will sit alongside other forms of training and the content will complement rather than duplicate these other forms. They are scheduled to be available from June 2019.

During this Assembly term we have also committed to considering whether and how core training for councillors should be made mandatory.



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We agree with the Independent Review Panel that community and town councils need to be professionally supported through qualified and independent staff. The clerk's role is key in providing advice to councils and, therefore, pivotal in driving improvements in governance, financial management and accountability arrangements. Supporting councils to access appropriate training for clerks should improve a council's capability to manage itself well.

In recognition of this, we are committed to continuing to provide, and expand the training bursary scheme for clerks which enables them to undertake a sector-specific qualification the Certificate in Local Council Administration (CiLCA). The threshold for councils eligible for support has been increased this year from those councils with a budgeted turnover of less than £40k to include those with a budgeted turnover of less than £100k, recognising that medium-sized councils may be better placed to take up the bursary offer as they are likely to be delivering a greater range of services for the community; with clerks working more hours than the very small councils.

We are also placing an emphasis on the importance of having a suitably qualified clerk – for example, having a qualified clerk will be proposed in the Local Government and Elections (Wales) Bill as one of the three criteria for a council to be able to resolve itself as eligible to exercise the General Power of Competence (GPOC). It is likely that CiLCA will be prescribed as the relevant qualification for a “qualified clerk” for GPOC, although this would be subject to the outcome of the consultation on the regulations.

We will be considering whether having a qualified clerk is something that should move from being encouraged to being required. This is one of the areas we will be exploring further during this Assembly term.

We have also committed to exploring other ways to build the capacity and capability of clerks to support the sector. This includes consideration of establishing a “network” of community council clerks in Wales; and considering how desirable, and possible, it is to change how clerks are employed (looking specifically at councils which only require a part-time clerk).

We agree with the Committee that the provision of appropriate support and advice is key to improving governance, financial management and accountability within the sector. During this Assembly term, we will be giving further consideration to options for providing access to expert advice and support, alongside developing an appropriate support and intervention framework service or corporate failure.



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Improving financial management

The audit regime for community and town councils is a matter for the Auditor General, but the Welsh Government has a clear interest in supporting the improvement of the financial management of the sector.

A Welsh Government official sits on the Local Councils Audit Liaison Group, which includes the Wales Audit Office (WAO) and auditors, as well as the representative bodies OVW and SLCC. This Group discusses common issues identified through the audit process and the ways in which councils can be supported to address these issues.

We also form part of a National Training Advisory Group with the representative bodies to collectively identify and address areas where training and development support is needed.

I recognise there is more work to be done and we have committed to continuing to work with WAO on what further support could be provided to smaller community councils to help them fulfil audit requirements.

Improving the Accountability of the Sector

Community and town councils raise and spend public money. It is vital that they are accountable for their actions. The primary vehicle for this is democratic accountability. The Welsh Government will be undertaking work in this Assembly term to encourage participation in, and increase the diversity of, this most local tier of democracy.

There is a significant need to raise the visibility of community and town councils, and to increase their engagement with their communities so that their work is transparent.

The intention is to place a duty on all community and town councils to prepare an annual report through the Local Government and Elections Bill. This will include an expectation that councils set out how they have engaged, and intend to engage, their communities.

We have also started work to build an understanding of how community and town councils use social media and other digital mechanisms to engage their communities about the work of the council, and share examples of good practice with the sector.



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We have committed to giving further consideration to introducing a duty on community and town councils to hold at least one public meeting per year. This requirement is in place in England and part of our consideration will be to assess the impact this duty has had on improving engagement and accountability locally.

We have established links with both bodies providing external assurance mechanisms for the sector. We have established working relationships with the WAO, and are actively engaged with them in their review of the audit regime. We also have established links with the office of the Public Services Ombudsman for Wales (PSOW). The PSOW has an independent role and considers complaints of maladministration by councils and alleged breaches of the code of conduct. We have recently facilitated engagement between them and the sector's representative bodies to discuss how code of conduct issues are handled.

It is important that these actions are taken forward in a concerted way, as a part of a joined up approach, rather than in isolation. The Minister for Housing and Local Government has asked officials to bring this work together into a "governance framework" which ensures community councils are professionally supported, professionally run, with a structured approach to support and guidance and with mechanisms to intervene formally should there be service or corporate failure.

This framework will take account of the actions outlined above as well as looking at other ways to strengthen arrangements and support good governance.

Initial advice on the framework will be considered by the Minister over the summer, before engaging more widely.

I would be happy to provide more information or clarification on any of the above, should this be helpful to the Committee.

Yours sincerely



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Written Statement: Future Role of the Community and Town Council Sector in Wales (Issued 30 November 2018)

A Review of the Community and Town Council Sector was established in July 2017 by the Welsh Government to consider how community and town councils can be strengthened so they are best able to support their communities. The independent cross-party Review Panel included representation from Labour, Plaid Cymru, the Welsh Conservative and Welsh Liberal Democrats and was jointly chaired by Gwenda Thomas and Rhodri Glyn Thomas.

The Panel spent around a year gathering evidence and listening to views of a range of stakeholders. They submitted their final report to me on 3 October. I am grateful to them for the time and consideration they have given to the Review and for their report on Community and Town Councils in Wales. It has provided a good basis on which to move forward and has informed the policy approach I am setting out today. I have read and considered the Panel's report and I believe their analysis of the sector and the opportunities and challenges it faces is sound. They make the case for both retaining the community and town council sector and for significantly enhancing the contribution it makes.

I agree with the direction of travel set out in the report which calls for an expanded role for the sector. After careful consideration and discussion at Cabinet, I believe an enabling approach is the right way to deliver this expanded role – strengthening community councils, and encouraging change to happen naturally by creating an environment for community and town councils to expand their activities where they could, and should, play a greater role, based on local need.

The emphasis should be on encouraging and enabling the sector to develop; providing an element of choice for community and town councils to decide how far and how quickly they progress, particularly in terms of their role in commissioning and delivering services. This provides a clear, national statement of ambition which recognises the diversity of the sector and the communities they serve.

There are key actions we can take now to strengthen community councils and support them through changes they may wish to make. Where there is broad agreement – and where we are building on what is already happening – there is no need to delay. For example, the Local Government and Elections (Wales) Bill, which I intend to introduce early next year, will provide additional powers and flexibilities for community councils by enabling those which meet certain conditions to exercise the General Power of Competence.



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I intend to increase the accountability and transparency of the sector by encouraging better use of digital tools to engage communities and, through the Local Government and Elections (Wales) Bill, ensuring people have the right to make representations on any business conducted at a council meeting. I also intend to require, through legislation, community and town councils to report annually. I believe this will increase visibility of their work, improve local accountability and lead to better engagement with and interest from, local communities in the work of community councils.

Strengthening the capability of the sector will continue to be a priority and I will be supporting through continuing to make bursaries available to both councillors and their staff to undertake training. In addition, the Local Government and Elections (Wales) Bill will place an obligation on community councils to consider and plan for their training needs and review this plan regularly.

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.

I also want to facilitate a conversation between community and town councils and local authorities about how services are funded and sustained – recognising that this is a key determinate of community councils' capacity to play an expanded role.

I look forward to exploring these wider ranging and, in some cases, more contested ideas with local government and wider stakeholders.

I see this as a start of a conversation about how an expanded role for community councils can be achieved - with community councils, principal councils and others that work with communities.

In setting out Welsh Government policy it should also be remembered that the findings of the Review Panel are not only for Government to reflect on but for all partners in local government to consider and respond to, including community councils, principal councils and their representative bodies; taking responsibility for the role each of us play in improving local communities.

I believe the policy approach I have outlined is considered, proportionate and measured and forms the starting point of a conversation with the sector itself and



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those it works with. It responds to the calls in the report for greater clarity for the sector; provides opportunity for councils to strengthen through building their capacity and capability; and puts in place processes to increase accountability and increase participation.



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Community and Town Councils - Welsh Government Areas for Action

Theme	Immediate Action	Further Consideration
Clarifying the role of the sector	<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. 	<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.
Increasing democracy and participation	<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 16 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.
Building	<ul style="list-style-type: none"> • Provide access to the general power of competence to eligible community 	<ul style="list-style-type: none"> • Explore how community councils could be encouraged to consider



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capacity	<p>councils (through the Local Government and Elections Bill).</p> <ul style="list-style-type: none"> • 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. 	<p>moving to / expanding service delivery.</p> <ul style="list-style-type: none"> • 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.
Building capability	<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 WAO what further support could be provided to smaller community councils to help them fulfil audit requirements.
Improving relationships	<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.



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Improving accountability	<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 council’s plans for the year with the precept notifications • Consider whether to legislate for appropriate support and intervention arrangements.
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One Voice Wales training modules for councillors include:

- The Council
- The Councillor
- The Council as an Employer
- Understanding the Law
- Council Meetings
- Local Government Finance
- Health & Safety
- Introduction to Community Engagement
- Code of Conduct
- Charing Skills
- Community Emergency Planning
- Community/Place Planning
- Community Engagement Part II
- Equality & Diversity
- Information Management
- Use of IT, Websites & Social Media
- Making Effective Grant Applications
- Managing your staff
- Devolution of Services
- Wellbeing of Future Generations Act 2016 / Sustainability
- Local Government Finance (Advanced)



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