

# Independent Review Panel on Community and Town Councils in Wales

## Outline Findings and Recommendations

### Community and Town Councils: What they are

Finding	Recommendation
<p>1.1 The case has been made to retain Community and Town Councils on the grounds that they can:</p> <ul style="list-style-type: none"> <li>• provide / commission services</li> <li>• represent and influence</li> <li>• enable others to act</li> <li>• be a communications channel to and from the community.</li> </ul> <p>Key features of a Community and Town Council, which other models of community governance do not provide, are that they operate at a very local level and are democratically accountable.</p> <p>This is particularly important in the context of wider Local Government Reform.</p> <p>Because of their nature, their statutory basis is necessary for their role.</p>	<p>We believe a system of Community and Town Councils should be retained.</p> <p>While we felt that there were defects in the current system replacing the model as a whole would be difficult as there is no one alternative solution that would fit across Wales.</p> <p>This does not mean that community councils should continue as they are – we believe there is scope to be radical in how they operate in future.</p>
<p>1.2 <u>All</u> areas should be supported by a Community and Town Council.</p> <p>Unless universal coverage is achieved, if the role envisaged for Community and Town Councils is to be realised there will be areas of unmet need. Every effort should be made to ensure local communities are aware of the benefits of having a Community and Town Council.</p> <p>There are challenges in existing Community and Town Councils regarding attracting an appropriate number of individuals to stand for election so more needs to be done beyond just establishing Community and Town Councils in all areas across Wales.</p>	<p>We are of the view that universal coverage is important and preferable and the foundation of other recommendations. We would expect Welsh Government to make every effort to encourage, promote and support local communities which do not currently have councils to establish them.</p>
<p>1.3 A strength of Community and Town Councils is that they are locally based and have a natural sense of community.</p> <p>We believe it is not for us as a Panel to draw lines on a map, or to propose an arbitrary</p>	<p>We believe there should be a comprehensive review of boundaries of Community and Town Councils without delay to ensure community areas fit the current and future needs of their community and the future role envisaged</p>

	<p>reduction in numbers. It is right that boundaries are relevant and fit for purpose in order to correctly serve the local community.</p> <p>However, some of the present boundaries of Community and Town Councils are no longer right to best serve their communities, for example reflecting recent housing developments. There is a requirement for Local Authorities to regularly review community council arrangements, but that this isn't always fulfilled.</p> <p>We also do not believe that some Community and Town Councils will be sustainable or be able to fulfil the role we envisage for them if they remain as they are. Many Community and Town Councils will need to work together to fulfil the role envisaged in later findings. Some Community and Town Councils may choose to merge to play that role.</p>	<p>for them arising from later findings.</p> <p>Community areas should then be reviewed on a regular basis to make sure they continue to make sense as areas (and needs) change and develop.</p>
1.4	<p>There is significant variation between Community and Town Councils across Wales, not just in function but capacity and capability too.</p> <p>There are different sizes of Community and Town Councils, ranging from the very small 'micro' Community Councils to very large Town Councils.</p> <p>They also operate differently, for example, in terms of the formality of governance. Some Community and Town Councils currently deliver services. Some are purely focussed on representing their community. Each has its value.</p> <p>In the context of this review the main distinguishing factor is whether they are able (have the capacity and capability) to fulfil the role envisaged by us.</p> <p>We are not prescribing an arbitrary threshold for this, either in terms of geography, population or income, though all of these will impact on a councils ability to operate.</p>	<p>We believe that every council should play the same role that we outline elsewhere but have the scope to play that role differently whether they choose to:</p> <ul style="list-style-type: none"> <li>• Deliver it themselves</li> <li>• Group together to deliver</li> <li>• Commission services from other Community and Town Councils or their Local Authority or Third or Private Sectors.</li> </ul> <p>We believe <b>every</b> Community and Town Council should be expected to meet the criteria for exercising the General Power of Competence.</p>
1.5	<p>Community and Town Councils are part of the wider Local Government landscape. It is important for them to work effectively and collectively with Local Authorities.</p>	<p>Positive, meaningful and equal engagement is required between Community and Town Councils and Unitary Authorities.</p>

	<p>Too often these relationships feel forced and Community and Town Councils are seen as 'pests not partners'. Community and Town Councils and Unitary Authorities should be equal partners and are not accountable to each other.</p>	<p>Later recommendations suggest how we believe this is best achieved for the benefit of communities across Wales.</p>
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## Community and Town Councils: What they do

	Finding	Recommendation
2.1	<p>There is a need for greater clarity on the purpose and role of Community and Town Councils, guided by the principle of what can be done <u>better</u> locally.</p> <p>There should be a clear distinction between what a community and town council is responsible for and what the local authority is responsible for. This will provide clarity for the public and drive change.</p> <p>Community and Town Councils should, by and large, be responsible for all 'place based' services and Principal Councils should be responsible for 'people based' or regulatory or strategic services (such as education, social care and environmental health).</p> <p>We have determined that 'place-based' should be any (mainly discretionary) services that helps the social, cultural, economic &amp; environmental, and physical wellbeing of the community which can be linked to a place and can vary from place to place, rather than people based or regulatory services that are more likely to need equitable service across the country.</p> <p>We recognise there will be variations where the margins between the two are not always clear, nevertheless, we feel it provides clearer separation between the role of Community and Town Councils and local authorities.</p>	<p>We expect place based services to become the responsibility of Community and Town Councils. We recognise there will be need for a transition period however we believe this process should start as soon as possible.</p> <p>Universal coverage of local councils with suitable capacity and capability is an implicit requirement of this.</p>
2.2	<p>It is vital for Community and Town Councils to have the ability to do whatever they think is best for their community – above and beyond delivering the place based services described above.</p> <p>Community and Town Councils should have the ability to undertake additional activity which is supplementary and complementary to other 'people' based services provided by the local authority (rather than taking over the role) providing this is based on local want and need.</p> <p>For example, Community and Town Councils have a key role in supporting the implementation</p>	<p>Community and Town Councils have a clear role to improve the well-being of people in their areas and should not be constrained from doing anything they deem required by their community.</p>

	<p>of Social Services and Wellbeing Act by providing basic information and support in their communities.</p> <p>In their role as an enabler of community activity, Community and Town Councils are often an incubator for unique ideas / solutions and this should be supported.</p>	
2.3	<p>Community and Town Councils must have the necessary powers for them to undertake this envisaged role.</p> <p>While it is clear there are some powers missing from the framework of powers available to Community and Town Councils we do not feel it would be prudent to attempt to list and address each of these powers separately, given the scope for any set of powers to become outdated.</p> <p>With the forthcoming introduction of the General Power of Competence, and intention to make this available to councils which meet certain criteria, we believe this will provide the legislative power needed for Community and Town Councils to fulfil the role envisaged for them.</p>	<p>We believe there should be greater clarity on the powers available to community and town councils.</p> <p>We call upon <b>all</b> Community and Town Councils to be working towards meeting the criteria to be able to exercise the General Power of Competence and think it is reasonable to expect them to achieve this within the next three years.</p>
2.4	<p>There is a key role for Community and Town Councils continuing to act as a local voice of the community. Community and Town Councils are not a 'lesser' tier of Local Government but the closest tier to communities.</p> <p>Their local knowledge is crucial and being a local advocate for decisions / advice to other partners (including Local Authorities, Public Services Boards, Welsh Government and other community organisations) is a key role they could and should play.</p> <p>A key function of Community and Town Councils should be as a provider of all types of information for their communities and to become a local hub / play a signposting role. They are ideally placed to be the hub of their community and should be the key mechanism by which information is shared.</p> <p>In relation to the Wellbeing of Future</p>	<p>Community and Town Councils should have a stronger voice in helping to shape their areas.</p> <p>We recommend that an explicit duty to represent is explored to give formal weight to the voice of community and town councils.</p> <p>We also believe that a duty to provide information should be considered.</p> <p>We recommend that while they should not be subject to the full well-being duty all Community and Town Councils should be required to act in line with the Sustainable Development Principle (the five ways of working).</p> <p>We recommend that Community and Town Councils – or a representative of them – should become a statutory invited</p>

	<p>Generations Act, it currently applies in a limited way to community and town councils (with a duty on larger Community and Town Councils to take reasonable steps towards delivering the local well-being plan for their area). If we are to truly benefit future generations, Community and Town Councils play a vital role in improving well-being and this should be recognised.</p> <p>While we know some PSBs have sought representation from community and town councils in their work we are conscious that Community and Town Councils have no formal role on a Public Service Board and believe this should be rectified.</p> <p>To be able to play this role Community and Town Councils need to have the democratic mandate to do so and we come to this later.</p>	<p>participant on all PSBs.</p>
2.5	<p>To be good at the above, Community and Town Councils should play an active role in engaging and consulting their communities.</p> <p>While there are examples of good practice in this area this is not universal and currently Community and Town Councils have no duties in relation to engaging or involving their communities.</p> <p>We believe there should be set standards and principles all Community and Town Councils should follow in terms of Community Engagement.</p>	<p>To enable Community and Town Councils to truly represent their communities, we recommend that Community and Town Councils have a duty to engage and are supported in doing this appropriately.</p> <p>This should be combined with a requirement to set out what they intend to do, and to report on what they have done. Further detail on how we think this could be achieved is in the last theme.</p>

## Community and Town Councils: How they do it

Finding	Recommendation
<p>3.1 Community and Town Councils need the capacity and capability to play the role envisaged. Many do not have this capacity and capability currently.</p> <p>Community and Town Councils fall into two categories, those who can independently fulfil the role envisaged for them and those who cannot.</p> <p>There are a range of different models through which Community and Town Councils could chose to deliver place based services. They could:</p> <ol style="list-style-type: none"> <li>1) If they are large enough, chose to deliver services themselves.</li> <li>2) Commission these services from their Local Authority or another larger Community and Town Council or Third or Private sectors</li> <li>3) Work together with Community and Town Councils in their area to deliver services.</li> </ol> <p>There is a distinction between <i>organising</i> to deliver, and the <i>actual delivery</i>. For example, smaller councils may come together to deliver the role and then choose either direct delivery or to commission it.</p> <p>There also is a distinction between 'self-contained' services which could be delivered discretely by a community council and 'cross border' services where the service or asset may sit within one council area but would be used by surrounding councils.</p>	<p>We do not believe we should prescribe how Community and Town Councils choose to take on this role – they should have the flexibility to determine which delivery model works best for them.</p> <p>To support and encourage Community and Town Councils to work together we believe the Welsh Government should look at mechanisms and incentives to encourage collaboration such as match funding to deliver a joint collaborative project or legal assistance with formal collaborative arrangements.</p> <p>We also believe there should be guidance and support available, including sharing of good practice, to support community and town councils in choosing the best delivery model for them.</p>
<p>3.2 Community and Town Councils need to be professionally supported through qualified and independent staff.</p> <p>The clerk is a key source to advice to a Community and Town Council and it is vital the clerk is properly equipped to play that role both in terms of expertise and time. We have heard that they can be exposed and isolated.</p> <p>There is a current contradiction and conflict where clerks are employed by a Community and Town Councils and a key function of the clerk role, as the proper officer, is to ensure councils</p>	<p>We recommend all clerks must hold a professional qualification and CILCA should be the expected minimum qualification.</p> <p>We believe Welsh Government should contribute to the costs associated with achieving this qualification.</p> <p>We recommend that clerks should be appointed from an approved national list. This can ensure all clerks have the expected accreditation before being employed by a Community and Town</p>

	<p>and councillors operate within their legal powers.</p> <p>We believe that if clerks operated as part of a 'pool' it could provide them with them with peer support as well as offer opportunities to standardise approaches (such as to terms and conditions); provide more scope for flexibility of support across councils; and enable career progression.</p>	<p>Council as well as providing a mechanism for supporting clerks.</p>
3.3	<p>Even with our recommendation above, we know there is still a gap in knowledge in relation to expert advice and support for Community and Town Councils. There is a need, in certain instances, for Community and Town Councils to be able to draw on professional expert advice and support.</p>	<p>We believe there is a need for this advice and support to be provided on a national basis, to ensure consistency, accuracy and efficiency of advice.</p>
3.4	<p>Community and Town Councils have the power to raise precept and shouldn't be reluctant to do so where a clear case has been made through local conversation with their electorate.</p> <p>There are cases where precept, even when increased, would not be sufficient to sustainably fund services.</p> <p>When services are transferred from Local Authorities to Community and Town Councils, there is an expectation that an agreement is found in relation to funding. We know this does not happen and often Community and Town Councils are asked to take on liabilities without support.</p> <p>The presumption should be that where community and town councils take on place based services the funding/income associated with them comes with them.</p> <p>There are many different avenues to explore in relation to additional funding for Community and Town Councils including:</p> <ul style="list-style-type: none"> <li>• Through existing funding sources (e.g. raising the precept, ability to borrow, power to charge for a discretionary service)</li> <li>• New access to funding sources (e.g. eligibility for grants, power to trade)</li> <li>• Redistribution of funding to local government (e.g. receiving proportions of non-domestic rates and council tax; Community Infrastructure Levy)</li> <li>• Additional funding (e.g. local taxation, direct</li> </ul>	<p>Community and Town Councils should be made aware of, and have increased access to, alternative sources of funding.</p> <p>We believe that when Community and Town Councils take on a service or function from a principal authority, that the funding (including capital or reserves) comes with the service. In addition, any place based income generated should be received by the community. We recommend Welsh Government should explore how this can best be achieved.</p>



	funding from Welsh Government)	
3.5	<p>The role of a Community and Town Council councillor is changing. We know many Councillors think of themselves as volunteers, when they are elected members. As elected members, they have to meet the standards expected of them around the Code of Conduct and adhering to the Nolan Principles.</p> <p>Evidence has told us that some councillors are willing to attend regular training, where as some are more reluctant.</p> <p>A lot of evidence and strong views has been received both in favour of, and against party politics. It is not for this Panel to decide whether politics should be involved in this tier of local government.</p> <p>There are many councillors who are 'dual-hatted', both a Community and Town Council Councillor and a Councillor for the principal authority. Again the Panel has heard a lot of evidence and strong views has been received both in favour of dual-hatted members.</p>	<p>We agree with the steps taken by the Independent Remuneration Panel for Wales to reinforce that Councillors are elected members.</p> <p>We believe there should be a clearer description of what the 'ask' of a councillor is in light of the new role for councils we have set out.</p> <p>We recommend that Welsh Government ensures a core package of training is mandatory for all councillors as a requirement for acceptance of office and that this mandatory training is repeated regularly (every election term). This should include:</p> <ul style="list-style-type: none"> <li>• <i>Code of conduct</i></li> <li>• <i>Induction (covering role / expectations)</i></li> <li>• <i>Being an employer</i></li> <li>• <i>Health and safety</i></li> <li>• <i>Finance (core basic requirements)</i></li> <li>• <i>Planning (including the requirements of completing a planning response)</i></li> </ul> <p>We call upon Welsh Government, Community and Town Councils and Councillors themselves to ensure all councillors are fully trained and have a training plan.</p> <p>We believe that whilst having dual-hatted members can help engagement but it can cause conflicts of interest, as well as constraining the democratic pool and causing confusion. For these reasons, we recommend against dual-hatted members and that County Councillors regularly attend Community and Town Councils within their wards (in ex-officio capacity) to ensure engagement.</p>
3.6	<p>It is important that councils are nimble. Full councils should be focusing on strategic decisions and using a committee system to take forward the detail.</p>	<p>We call on Community and Town Councils to be nimble, agile and strategic in the way they serve their community (for instance they should have the ability to issue summons and papers electronically).</p>

	<p>The internal organisation and functions of a Community and Town Council are not always fit for the 21<sup>st</sup> century. Community and Town Councils should have the flexibility to operate to meet community needs.</p> <p>To enable them to focus on the core business of the council there are opportunities to share 'back office' functions including but not exclusively to HR, Payroll, Finance etc.).</p>	<p>We recommend that all local councils should set out Scheme of Delegation with the aim of achieving faster decision making at a level appropriate to scale and implications of the decision.</p> <p>We believe Community and Town Councils should have the choice and flexibility to operate to suit their community's needs. We recommend Community and Town Councils explore digital mechanisms to aid ways of meeting.</p> <p>We also recommend that Community and Town Councils should look to share back office functions (including but not exclusively to HR, Payroll, Finance etc).</p>
3.7	<p>Community and Town Councils must work closely and have strong relationships with partners in the area to benefit the community. 'Collaborate not compete'</p> <p>In particular, there is a need for a better relationship with LAs. It is important that community councils have access to the right people to speak to.</p>	<p>We recommend that all Local Authorities should have regular partnership forums with Community and Town Councils based on equal partnership in a common goal.</p> <p>There should be meaningful charters, or other ways of formalising the relationship, in place.</p> <p>In addition, Local Authorities should have a dedicated liaison officer for liaising with Community and Town Councils in the region.</p>

## Community and Town Councils: How they are held to account

	Finding	Recommendation
4.1	<p>It is important that Community and Town Councils are accountable for their actions – they raise and spend public money and run public services. Democratic accountability is a main feature of their role and this should be strengthened.</p> <p>Ultimately Community and Town Councils are held to account by their public and the ballot box.</p> <p>Not all members of a Community and Town Council are elected, many are co-opted. This calls into question the democratic mandate of the council. There was a noticeable lack of candidates in the 2017 elections. There are significant challenges, as outlined above, in attracting more candidates.</p> <p>We have heard that some Community and Town Councils are consciously avoiding the cost of holding an election by ensuring they have the right number of candidates for seats available.</p>	<p>We believe that elections should be called regardless of whether seats are contested. Consideration should be given to the financial implications of this for councils.</p> <p>To ensure democratic accountability, we recommend that Councillors cannot be co-opted for more than a one consecutive term.</p> <p>To support candidates in standing for election, we recommend Welsh Government explore a free post for Community and Town Councils, allowing election literature to be delivered post free to electors. We recommend that this should be in the form of one item of literature per candidate for each household.</p> <p>We also recommend that Welsh Government support vibrant elections with a national campaign encouraging people to step forward to represent their communities.</p>
4.2	<p>There is a lack of diversity amongst current Community and Town Council councillors, in terms of age as well as gender and BME representation. A Community and Town Council cannot be truly representational unless it reflects the diversity of its community.</p> <p>There is ongoing work to consider decreasing the Voting Age nationally. We would be supportive of this.</p>	<p>We believe more should be done to encourage diversity as part of the national campaign to encourage involvement in elections.</p> <p>We also recommend that if the national voting age is lowered to 16, the age you can become a Community and Town Council Councillor should be lowered to the same age.</p>
4.3	<p>There is a lack of visibility of the work of Community and Town Councils.</p> <p>There is a significant need to increase awareness of their existence and work within their communities, as well as a need to engage with communities when making decisions.</p> <p>Community and Town Councils should all publicise and engage with their communities on</p>	<p>We believe, Community and Town Councils should be legally required to hold at least one public (community/town) meeting per year.</p> <p>We believe that local councils should follow a cycle of engage, plan, undertake and report.</p> <p>We recommend that all Community and</p>

	<p>their work – engagement is a key function and feature of their role.</p> <p>There are good examples of where the community has been engaged in decision making (through annual reports, town meetings etc.), but there are areas where this is lacking and more needs to be done.</p> <p>Community councils should be setting out what they intend to do over the coming year as part of their budget decisions.</p>	<p>Town Councils should provide an information leaflet with their precept notification, setting out what their plans for the year are.</p> <p>Furthermore, all Community and Town Councils should have a duty to report annually explaining what they've achieved over the last year and what they are planning on spending the future year's precept on.</p> <p>We would like to see councillors as well as councils being held to account, by providing summary reports to their electors on what they have achieved. As a minimum, councils should be required to publish their attendance record in the same way as it published their remuneration record.</p> <p>Finally, Community and Town Councils should look to involve their community on an ongoing basis. We recommend Community and Town Councils utilise social media as a key mechanism by which to achieve this.</p>
4.4	<p>Appropriate governance structures need to be in place to hold Community and Town Councils to account.</p> <p>It is important that Community and Town Councils are accountable for the public money they spend and that this is managed well.</p> <p>We believe the current audit regime is proportionate to the amount of money involved.</p>	<p>We believe that the audit regime developed by the Wales Audit Office is proportionate for Community and Town Councils.</p> <p>Despite this, many Community and Town Councils fail audit on basic issue each year. We recommend more support is provided to smaller Community and Town Councils in order to help them fulfil audit requirements.</p>
4.5	<p>A lot of evidence has been received about the conduct of some councillors, not being desirable for an elected member, appropriate behaviour towards staff.</p>	<p>We believe the standard process for complaints about code of conduct is sufficient and this should remain in place.</p> <p>We believe that compliance with the Code of Conduct will be better enforced by the mandatory training mentioned in an earlier recommendation.</p> <p>We recommend that for the protection of other councillors, and of staff and for</p>

		conducive running of the council that current behaviour is considered as being a factor in 'Qualification for Office', in particular current legal orders or sentences relating to unacceptable behaviour.
4.6	There is a lack of powers to formally support, and in a last resort, intervene in a community or town council if it experiences service or corporate failures. This becomes more significant particularly if they are to take more of a place based service delivery role envisaged for them.	<p>There should be some degree of safeguarding measures in place but this responsibility should reside with the Welsh Government as Community and Town Councils are not subservient to Local Authorities.</p> <p>We recommend, the emphasis should be on support, with intervention only as a last resort, and should be proportionate to the services delivered by the Community and Town Council.</p>