

Role, governance and accountability of the community and town council sector

March 2025



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March 2025



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddHousing

Current Committee membership:



**Committee Chair:
John Griffiths MS**
Welsh Labour



Peter Fox MS
Welsh Conservatives



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Welsh Conservatives



Lee Waters MS
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The following Members were also members of the Committee during this inquiry:



James Evans MS
Welsh Conservatives



Altaf Hussain MS
Welsh Conservatives

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Chair's foreword

There are over 700 community and town councils serving their local areas across Wales. The size of the councils and the resources available to them will vary significantly, but all share the objectives of wanting to deliver and achieve the best outcomes for their communities.

There have been other reports looking at the community council sector in recent years and all have made their own recommendations. Some of the main areas our report focuses on are the audit arrangements, standards of behaviour and support for council clerks.

Increasing diversity across the local government sectors has been an important theme throughout our work, and we know that poor behaviour is one of the key factors in deterring people from standing or continuing in an elected role. We were therefore very interested in the Code of Conduct for Members and have made some recommendations relating to training, which we believe could lead to fewer equality and respect complaints.

All councils need competent clerking support to function effectively. We have therefore also focused on clerking arrangements and the adequacy of support available to clerks.

We have made a series of recommendations to the Welsh Government and the sector which I believe can make a positive difference and also work in conjunction with issues raised in other recent reports.

I would like to thank everyone who has contributed to this inquiry.

John Griffiths MS

Chair

Recommendations and conclusion

- Recommendation 1.** The Welsh Government should work with the sector and the Auditor General for Wales to co-produce a new bespoke audit system for town and community councils in Wales..... Page 18
- Recommendation 2.** The Welsh Government should explore the option of using statutory guidance via the Local Government and Elections (Wales) Act 2021 as a vehicle for introducing mandatory code of conduct training for town and community councillors, and formally consult with the sector on the proposal.
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- Recommendation 3.** The Welsh Government should continue to offer a bursary to One Voice Wales for delivery of its code of conduct training, maintained at existing levels. Page 26
- Recommendation 4.** The Welsh Government should work with relevant stakeholders to explore options to facilitate greater use of local resolutions to disputes..... Page 29
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- Recommendation 6.** The Welsh Government should work with a relevant body, such as the Democracy and Boundary Commission Cymru, to undertake a review of evidence to inform sizing policies to ensure a nationally consistent approach to principal council-led community reviews..... Page 40
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- Recommendation 8.** The Welsh Government should support both tiers of local government to ensure a review of the model charter between principal and community councils can be undertaken..... Page 44
- Recommendation 9.** The Welsh Government should provide an update on the implementation of the digital health of community and town councils action plan published in May 2023. Page 48

Recommendation 10. The Welsh Government should work with the WLGA and One Voice Wales to encourage local authorities to:

- provide IT support to town and community councils through service level agreements, and
- share facilities for use by town and community councils to hold hybrid meetings. Page 49

Recommendation 11. The Welsh Government should make the necessary legislative changes so that community councils eligible to exercise the General Power of Competence are only required to affirm their eligibility once during an electoral term..... Page 53

Conclusion 1. We would like the Welsh Government to do more, in conjunction with the sector, to raise awareness of the bursary and encourage more clerks to study for it. The possibility of clerks being remunerated for the additional training time may be an option to explore. Page 33

Introduction

- 1.** Community and town councils are responsible to their local electorates for delivering a wide range of services and for the upkeep of their local amenities. According to the latest StatsWales data, there are currently 729 community and town councils in Wales. Local councils vary significantly in size and responsibilities, with communities ranging from small rural settlements, some with fewer than 200 residents, to large towns serving thousands of residents. Their budgets, as a result, vary accordingly, with some holding a few thousand pounds in their accounts, while others have budgets of several hundred thousand pounds.
- 2.** The sustainability of local government in Wales is one of the Committee's overarching priorities for the Sixth Senedd. As part of this, we agreed to undertake an inquiry to examine the role, governance and accountability of the community and town council sector. The terms of reference for our work are to examine:
 - The role and value of community and town councils in Wales;
 - Whether the sector is fit for purpose in an evolving local government landscape;
 - Governance and scrutiny arrangements and its impact on accountability and transparency;
 - Scope of digital and new technology to improve decision-making, service provision and participation in local democratic processes;
 - How new powers and responsibilities for this tier of government are utilised to support communities.

Evidence gathering

- 3.** We gathered written evidence and held oral evidence sessions with stakeholders. A public consultation was launched on 31 July and closed on 18 October 2024. We received 52 responses to the consultation.
- 4.** We heard oral evidence from stakeholders on 14 and 27 November and from Jayne Bryant MS, the Cabinet Secretary for Housing and Local Government ("the Cabinet Secretary"), on 5 December 2024.

5. We held three roundtable discussion groups with clerks and members of town and community councils on 23 October 2024 to hear about their lived experiences. A summary of our engagement work can be found on our website.¹

6. We are grateful to everyone who took part in the inquiry. Details of all evidence gathered can be found in the Annexes to this report.

Context

7. In 2018, the [Independent Review Panel on community and town councils in Wales published its Final Report and recommendations](#).

8. Evidence gathered by the Panel signalled strong support for the sector, but it also heard calls for this tier of government to be abolished entirely. The report highlighted comments it had received, which outlined “flaws in the current system” and that community councils “are not fit for purpose”. However, the Panel also stated that the “overwhelming majority of responses were concerned with how the sector could be improved”.

9. The Panel came to the conclusion that it believed that “the case has been made to retain Community and Town Councils”, and that all communities “should be supported by a Community and Town Council”. However, it also noted that some community and town councils aren’t “sustainable” or “able to fulfil the role” envisaged if they remain as they are. The Panel also reflected on the significant variation in “capacity and capability” in the sector, and the role the sector plays as “part of the wider Local Government landscape”.

10. In April 2023 the then Minister for Finance and Local Government established a democratic health task and finish group to explore the causes of low engagement and participation in community and town councils. The Group’s remit was to consider ways to improve awareness and engagement between communities and their community councils and to increase the number and diversity of candidates standing for election to community councils. The task and finish group [reported](#) in November 2024.

¹ Local Government and Housing Committee, [Summary of engagement activity](#), 23 October 2024

1. Audit and Governance

Community councils in Wales are required, by law, to prepare accounts and have them audited by the Auditor General for Wales. There was broad consensus that the audit regime is too rigid for the sector, with the Auditor General for Wales stating there was a “case for revisiting the system”.

Audit - the legislative framework

11. Section 13 of the Public Audit (Wales) Act 2004 (“the 2004 Act”) specifies that all local government bodies must make up their accounts to 31 March each year and ensure that the accounts are audited by the Auditor General for Wales. The Act sets out the Auditor General for Wales’s key responsibilities to undertake audits of community and town council accounts.

12. Since 2020-21, audit arrangements for community and town councils in Wales operate on a three-yearly audit cycle. The Auditor General explained:

“in two years, we will undertake a very basic audit, which requires councils to submit very limited information to us for their income and expenditure account, six main expenditure headings, and those need to tally correctly, and some information around their annual governance statement. Then, in the third year, we will undertake a slightly fuller audit where we look for some supporting evidence for those underlying transactions and a fuller test of statements made in the governance statement.”²

13. In announcing the arrangements in 2020, the Auditor General noted that the aim was to design a programme that would meet his statutory responsibilities for audit of community councils; provide assurance to the public about council expenditure; and to do this at a “reasonable cost to individual councils”. The Auditor General told us that he had sought to develop a regime that seeks to be

² Local Government and Housing Committee, 14 November 2024, Record of Proceedings (RoP) paragraph 6

“as light touch and sympathetic as possible within the legislative framework”.³ He also noted that the sector is forewarned of the auditor’s focus for the coming audit, something not afforded to other public bodies.

14. Fees are charged by Audit Wales at no more than the full cost of delivering the audit. The Auditor General told us:

“in the case of a council that is straightforward and clean, the fee for one of those basic audits is going to be in the region of £200 to £400. For the fuller audit in the third year, it’s probably £400 to £1,500, depending on the size and complexity of the council.”

15. He went on to say that:

“If councils can comply with the requirements of legislation, provide us with the basic information that we require, with some basic supporting documentation and record-keeping evidence, then the audit will be extremely straightforward. Unfortunately, in a quite significant number of cases, councils aren’t able to do that.”⁴

16. Audit Wales’ evidence states that in total, around 50 per cent of community councils receive qualified audit opinions, whereby councils fail to comply with statutory responsibilities or where auditors conclude that the information reported in the annual return is mis-stated. The evidence shows that this increases to 58 per cent when the triennial ‘full’ audit takes place.

17. Audit Wales summarised the rate of qualified audit opinions by size of council for 2022-23:

³ Local Government and Housing Committee, 14 November 2024, RoP paragraph 88

⁴ Local Government and Housing Committee, 14 November 2024, RoP paragraphs 7-9

Income/expenditure	Number of councils	Audits completed	Qualified Opinions	Qualified opinions % of completed audits	Full audits completed	Qualified Opinions Full audits	Qualified Opinions % of full audits
Less than £10,000	209	191	104	54%	62	37	60%
£10,001 - £20,000	142	125	72	58%	37	23	62%
£20,001 - £50,000	155	146	58	40%	48	21	44%
£50,001 - £100,000	81	77	35	45%	26	16	62%
£100,001 - £200,000	67	63	36	57%	19	15	79%
More than £200,000	83	79	32	41%	24	13	54%
Total	737	681	337	49%	216	125	58%

18. The evidence from Audit Wales also highlighted some of the common audit issues that arise, noting that “about 30% of councils each year provide accounts that are not arithmetically correct”. The evidence includes a summary of the causes of these arithmetic errors.⁵

	2022-23	2023-24
Accounts processed	703	600
Rounding errors only	126	105
Typographical errors only	29	14
Other arithmetic errors	35	33
Combinations of the above	29	24
Total number of accounts with arithmetic errors	219	176
Percentage of councils with errors	31	29

19. Audit Wales told us that a council submitting accounts with arithmetical errors would not instantly lead to them receiving a qualified audit and that a qualification would only be issued if the “errors cannot be explained by records that the council holds”. They added:

“we try to go as far as we possibly can to avoid qualified opinions where we’re able to, and we give quite a bit of leeway to councils in doing so. There are some things where we have to apply a cut-off point. If a council says it’s done something by a certain date and is required to do so by legislation, the cut-off point is the date specified in the legislation, because we can’t extend and say one day late is okay, because then we have to consider: is two days late okay? So, we extend that concession, as it were. So, we try as far as possible. We give flexibility, but there are certain things we can’t be flexible on.”⁶

20. However, North and Mid Wales Association of Local Councils noted that there’s a feeling among some councils that Audit Wales can be “difficult”⁷ while

⁵ Local Government and Housing Committee, CTC 39, Audit Wales

⁶ Local Government and Housing Committee, 14 November 2024, RoP paragraphs 24-26

⁷ Local Government and Housing Committee, CTC 47 North and Mid Wales Association of Local Councils

One Voice Wales member feedback suggests that in some cases, clerical failings could be “dealt with more sympathetically by auditors”.⁸

21. There was general consensus among witnesses that the current audit regime is too rigid for the community and town council sector. One Voice Wales told us that the “one size fits all” approach to audit “doesn’t fit”, adding that for smaller councils “it’s disproportionate for the element of financial risk actually involved”.⁹ The Society of Local Council Clerks noted that the current approach “is not necessarily the best mechanism”¹⁰ and that “it’s very onerous”.¹¹

22. Similar views were expressed by individual councils, including Abergavenny Town Council, who noted that the audit process is “bureaucratic, rigid, being a one size fits all and could be more flexible”¹². An anonymous response called for a review of audit regulations “to create a more proportionate process that reflects councils’ diverse financial scales”¹³ while Llangynog Community Council questioned “whether so much information submitted is necessary” and suggested that the size of a council should be taken into account in determining the information it needs to provide.¹⁴ Councillor Paul Evans commented that the burden of audit requirements “is magnified when a council is too small to afford full-time staff, as it then falls disproportionately on the volunteer councillors” which “drains quite a lot of the scant resources of a community council which could be directed to more creative purposes”.¹⁵

23. Some stakeholders referred to audit arrangements in England, where the size of a council’s income and expenditure is taken into consideration. Additional written evidence from Audit Wales explained that the majority of English parish councils with income and expenditure less than £25,000 are exempt from normal audit requirements, but that all councils are required to complete, approve and publish an ‘Annual Governance and Accountability Report’.¹⁶ The SLCC told us that the ‘banding’ framework in England has meant that:

⁸ Local Government and Housing Committee, CTC 22 One Voice Wales

⁹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 252

¹⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 172

¹¹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 175

¹² Local Government and Housing Committee, CTC 05 Abergavenny Town Council

¹³ Local Government and Housing Committee, CTC 12 Anonymous

¹⁴ Local Government and Housing Committee, CTC 36 Llangynog Community Council

¹⁵ Local Government and Housing Committee, CTC 52 Individual

¹⁶ Local Government and Housing Committee, 8 January 2025, Paper 3

“local council audit in England is operating broadly successfully, audits are being completed on time, and communities have access to auditors and to comment.”¹⁷

24. The SLCC went on to say that “some layering, or some structuring might be beneficial”¹⁸ in Wales, and that whilst the system in England may not be “without its faults”, learning from it would be “a good place to start”.¹⁹

25. One Voice Wales recommended that the current approach of issuing qualified or unqualified opinions “needs to be reviewed” and suggested that issues raised about audits “should be based on a traffic light system”.²⁰

26. The Auditor General acknowledged that there is “a case for revisiting the system”, noting that the “overwhelming majority of councils are very small”. He told us:

“It feels disproportionate to me that the weight of a national audit office is being applied to those councils in audit. But that’s what the legislation requires and I can’t ignore that.”

27. He went on to suggest that a new system could apply a different regime to the councils with a turnover of less than £10,000, which could be “more based on internal audit or with occasional interventions” by Audit Wales, thereby enabling Audit Wales to focus on “the councils with greater spend and therefore greater risk involved”. He suggested that such an approach would be “more proportionate to the shape of the sector”.²¹

28. Additional written evidence from Audit Wales sets out potential alternative audit models for Wales, but notes that given the statutory requirement for the Auditor General to audit the accounts of every community council every year, significant changes to the audit requirements “would most likely require amendments to the 2004 Act”.²²

29. The Cabinet Secretary told us she is “very open-minded” to the idea of reviewing the audit arrangements for town and community councils.²³ A Welsh Government official added that while the Welsh Government is open to looking at how the regime could be improved, it would be important that any ‘new regime’

¹⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 172

¹⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 174

¹⁹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 177

²⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 258

²¹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 88

²² Local Government and Housing Committee, 8 January 2025, Paper 3

²³ Local Government and Housing Committee, 5 December 2024, RoP paragraph 87

does not lose “any accountability or transparency to the public in terms of how the precept or income is being spent in those local areas”.²⁴

Sufficient support for community councils

30. Community councils and clerks can access practical support and advice relating to auditing and governance from organisations like One Voice Wales and the SLCC. One Voice Wales told us that they help councils with their financial management by publishing practice development guidance on the financial timetable in-year and through the three specific training modules they offer.²⁵

31. The Community Council Finance and Governance Toolkit, jointly developed by One Voice Wales, SLCC, and the Welsh Government, and supported by commentary from Audit Wales is a key part of that support. It assists councils in reviewing the financial management, governance, and accountability arrangements it has in place, and consider how effective these arrangements are and how they might be improved. The SLCC noted in evidence that the toolkit is “essentially all that is needed for councils to ensure good governance”.²⁶ Several councils referenced the usefulness of the toolkit, including Carmarthen, Llandough, Lisvane, Buckley, Llangynog, St Fagans, Pontardulais, Pennar, Aberporth and Higher Kinnerton.

32. However, some councils also identified areas for improvement in the support that could be provided. In reference to the toolkit, Higher Kinnerton noted that “completion and implementation of this important guidance document is a resource intensive which is particularly an issue for smaller sized member councils”²⁷, while Abergavenny said that the training provided by One Voice Wales “does not cover what is needed in order to submit full audit reports to Audit Wales”. Abergavenny Town Council suggested:

“Enabling some sort of mentoring system, or point of contact, to allow RFO’s the opportunity to ask specific questions in order to fulfil the requirements of the basic and full audit submissions would be more beneficial.”²⁸

33. One Voice Wales noted that a priority area for its work with the Welsh Government is “to identify councils, in collaboration with the Auditor General for Wales, which are likely to need targeted support to enable them to comply with

²⁴ Local Government and Housing Committee, 5 December 2024, RoP paragraph 96

²⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 254

²⁶ Local Government and Housing Committee, CTC 33 Society of Local Council Clerks

²⁷ Local Government and Housing Committee, CTC 51 Higher Kinnerton Community Council

²⁸ Local Government and Housing Committee, CTC 05 Abergavenny Town Council

audit requirement". They also highlighted the need for additional funding that could support a specialist adviser in One Voice Wales if the expectation was that they would need to provide greater support for councils to navigate the audit process.²⁹

34. The Auditor General told us that Audit Wales "do a considerable amount to try to assist the sector", adding:

*"we actively support One Voice Wales, the society of clerks, the Welsh Government and so forth in extensive guidance and support for the sector, and support for training of clerks and so on. We communicate every year to councils to give them forewarning of the focus we are likely to place in any given year in our audit of the annual governance statement."*³⁰

35. Audit Wales also explained that they engage with the sector by providing feedback, saying that they "highlight issues and make recommendations for them for improvement for the following years".³¹

Our view

36. It is clear from the evidence we received that the current auditing framework for town and community council accounts in Wales is unsuitable, and that consideration should be given to how the process can be improved. Whilst recognising the importance of ensuring that councils are accountable for their finances, we do not believe that the current system, which requires all councils, regardless of size or budget, to demonstrate effective governance and accountability within the same rigid regime, is the most effective approach. We also recognise that undertaking an audit will be onerous and costly for smaller councils, especially those who share clerking resource.

37. We acknowledge that the Auditor General for Wales must fulfil the statutory functions placed upon the office and commend how Audit Wales has attempted to alleviate some of the pressure on councils by implementing its three-year audit cycle. However, it is clear that the requirements are still too onerous for many within the town and community council sector. We note the Auditor General's own comments that the current arrangements are disproportionate for some of the smaller councils.

²⁹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 255

³⁰ Local Government and Housing Committee, 14 November 2024, RoP paragraph 19

³¹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 12

38. Given the legal framework, we recognise the likelihood that new primary legislation will be required in order to change the audit requirements placed upon community councils. This would be the most appropriate way to re-balance the audit requirements on community and town councils.

39. We welcome the resource and support provided by the sector to assist councils through the audit process, in particular the training provided by One Voice Wales and the jointly produced Finance and Governance toolkit, which has clearly helped councils. However, given the high number of community councils that continue to receive qualified audits, we believe there is a need for additional support. We recognise that undertaking professional training modules can be time-consuming and challenging for clerks and council staff, particularly for those who only work limited hours in their role. In developing any new audit arrangements in future, consideration should be given to how clerks and any staff member working limited hours can access support within their working hours.

40. We believe that the most appropriate way forward would be for the Welsh Government to work with the town and community council sector and the Auditor General for Wales to co-produce a new system, which would be sufficiently robust to demonstrate councils' financial governance and accountability, but without being too onerous on smaller councils.

Recommendation 1. The Welsh Government should work with the sector and the Auditor General for Wales to co-produce a new bespoke audit system for town and community councils in Wales.

2. Standards of behaviour

Members of town and community councils are required, on being elected, to sign a formal declaration of acceptance of office. This includes an undertaking to observe the code of conduct adopted by the council. We heard strong support for Code of Conduct training for community councillors to be made mandatory, and that further exploration is needed to develop improved local dispute resolution procedures.

Code of Conduct

41. The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended), sets out the Model Code of Conduct which all relevant authorities (which includes community councils) are required to adopt. Authorities were required to adopt the Code in its model form in its entirety, but could make additions to the Code, provided these were consistent with the Model. The Public Services Ombudsman for Wales (“PSOW”) has published guidance for community and town councillors on the Code of Conduct, which states that as a Member:

“you will be offered training on the Code whether from your Clerk, a Monitoring Officer or a representative body. I expect all members to take advantage of such training, including refresher courses, to ensure that they are fully aware of the provisions of the Code and the standards expected of them in public life.”

42. Much of the evidence we received referred to the standard of behaviour within community and town councils, and the process for dealing with those complaints. The SLCC noted that “one of the biggest and most frequently occurring issues within the sector is the bullying and harassment of both clerks and councillors”. The Chair of the National Standards Committee Chairs’ Forum concurred that many disputes arise between members and officers and commented that “employing anybody these days is not a straightforward or easy

matter” and that “many councils are simply not equipped to do it [] so it’s not surprising that relationships break down”.³²

43. When the Independent Review Panel on Community and Town Councils in Wales reported in 2018, it stated that “many councillors think of themselves as volunteers, when they are in fact elected members with statutory responsibilities” and that as elected members, councillors “have to meet the standards expected of them in the Code of Conduct”. This can, and does lead to complaints when community councillors do not meet those standards.

44. We heard from the PSOW that a significant amount of her caseload related to complaints about members of town and community councils. The Ombudsman noted that the proportion of councils and councillors her office receives complaints about is “small in the overall context of the sector”, however the office had seen a 42 per cent increase in complaints against elected members and that the majority of cases related to town and community councillors rather than principal councils. The PSOW elaborated:

“We’ve got a caseload of 88 cases we’re currently dealing with, and 59 of those cases relate to members of town and community councils. So, it is significant in terms of our work.”³³

45. The PSOW went on to tell us about multiple complaints:

“we’ve got about four councils where we’ve got three or four complaints in that one council. And, of course, what happens is, a complaint’s brought forward, particularly if it’s a disagreement between two individuals, and you can get retaliatory complaints coming forward, and we get drawn into that. [...] We have one relatively small town council at the moment—we have 13 complaints relating to that one town council.”

46. The Ombudsman questioned “how functional that body can be with so many complaints and so much disagreement running between, in that case, the clerk of the council and members”.³⁴

47. The Ombudsman went on to say that due to the time taken to investigate complaints, parties involved are “working in these often extremely difficult circumstances for a particularly long period of time”, sometimes with very little

³² Local Government and Housing Committee, 14 November 2024, RoP paragraph 173

³³ Local Government and Housing Committee, 27 November 2024, RoP paragraph 4

³⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 13

opportunity to “seek support and/or relief from the situation”. She said that sometimes “matters escalate to the extent that sickness absence is taken, or members of staff or councillors decide to resign”, and told us:

“We consider that it would be beneficial to those who find themselves in this situation and the Council itself, if an additional mechanism, potentially involving the parental local authority, could be put in place to safeguard the wellbeing of both parties during the process and ensure that council business can continue to work for the benefit of the communities they serve.”³⁵

48. We were told that most of the complaints dealt with by the Ombudsman’s office relate to equality and respect and that “quite a strong theme” within the sector are “complaints brought by members against other members, and complaints brought by clerks against members”.³⁶

49. A number of participants in our focus groups referred to negative and threatening behaviour, including bullying. One participant described bullying in the sector as “absolutely atrocious” and said that they were unable to sleep at night. Participants described being belittled and shouted at. Another said that clerks live in fear of losing their jobs if they don’t do what councils want, and another participant said that they have witnessed people having breakdowns and deciding to leave their roles.

50. The democratic health task and finish group concluded:

“A review, led by the Chairs of Standards committees and the Standards Committees Network, working with One Voice Wales, should look at how well the ethical framework and code of conduct process has been implemented.”

Mandatory training on the Code of Conduct

51. Despite provisions in the Local Government and Elections (Wales) Act 2021 that place a duty on community councils to prepare training plans for councillors and officials, there is no requirement on councillors to undertake such training. Mandatory training for councillors, specifically code of conduct training, was the issue that had strongest consensus among witnesses.

³⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph

³⁶ Local Government and Housing Committee, 27 November 2024, RoP paragraph 5

52. The Ombudsman told us that when investigating complaints, her office will ask if “members have signed the declaration, have they attended training?” and quite often, they had not. Her evidence notes that her experience of handling code of conduct complaints means she is “strongly of the view that training for all members should be mandatory” when taking up their role. The Ombudsman stated that, in her view, the code is “still fit for purpose” and that the focus should be on:

“supporting town and community councillors to understand fully what they’re signing up to, giving them training and support on doing the right thing.”³⁷

53. On the frequency of training, the Ombudsman told us that it should be provided on an ongoing basis:

“even if members are returning, it’s a refresher to remind them, and through the term of a council, which can be four or five years, it would be good to do at least one refresher session during that time as well.”³⁸

54. The Chair of the National Standards Committee Chairs’ Forum told us that “without question, training should be mandated”, he added:

“good training is provided, bilingual training, flexible training, but, unfortunately, many councillors just simply don’t engage. I don’t think that’s acceptable, and I think it should be mandated.”³⁹

55. We also heard support from within the sector for making training on the code of conduct mandatory. The SLCC supported the view of the Ombudsman⁴⁰ and noted that the Local Government and Elections Wales Act 2021 was an “opportunity missed when Code of Conduct training was not made compulsory for members”.⁴¹ The SLCC went on to note that while clerks are governed by a separate local government code of conduct, it was of the view that clerks should also “sit in” on any mandated training that councillors undertake.⁴²

56. One Voice Wales expressed its view that:

³⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraphs 47 & 49

³⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 80

³⁹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 51

⁴⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 153

⁴¹ Local Government and Housing Committee, CTC 33 Society of Local Council Clerks

⁴² Local Government and Housing Committee, 27 November 2024, RoP paragraph 154

“there should be a strong expectation that all councillors should be trained in the code of conduct, and that wouldn’t be a one-off for life, but maybe you do it once, and then if you start as an elected member or are co-opted in the next session of office, then you’d have to do it again. So, it would be once every five years.”⁴³

57. The North and Mid Wales Association of Local Councils concurred, suggesting a mechanism should be put in place where training is “not advisory, it’s not a suggestion, it’s mandatory” as it would stop “a lot of the tit-for-tats” complaints. They added:

“I would suggest code of conduct training being mandatory when people take up the position as a councillor, and also the fact that we get some pre training beforehand.”⁴⁴

58. The Ombudsman considered whether the requirement to attend code of conduct training could be added to the declaration of acceptance of office, but noted that she had not taken legal advice on this issue. The Ombudsman added that there is a role there for local authorities and, particularly, standards committees to make sure there are good arrangements in place for training town and community councillors and monitoring compliance with that.⁴⁵

59. The Cabinet Secretary told us that the option of mandatory training was tested and “some pushback” was received from the sector. She provided figures for the number of councillors who undertook code of conduct training over the last two years, but acknowledged that this was “still a small number” overall.⁴⁶

60. The Cabinet Secretary noted that consideration would need to be given to how compliance with mandatory training could be enforced. A Welsh Government official explained that statutory guidance for the Local Government and Elections (Wales) Act 2021 could provide a vehicle to require all councils to have due regard to mandatory training, but added that enforcing compliance would require further consideration.⁴⁷

⁴³ Local Government and Housing Committee, 27 November 2024, RoP paragraph 271

⁴⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 288

⁴⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 80

⁴⁶ Local Government and Housing Committee, 5 December 2024, RoP paragraph 144

⁴⁷ Local Government and Housing Committee, 5 December 2024, RoP paragraphs 139-140

Funding mandatory training

61. One Voice Wales told us they offer a training module on the code of conduct and that they receive funding from the Welsh Government to train up to 2 councillors per council, and that training can be as little as £20 to £40 pounds.⁴⁸ The SLCC was of the view that existing training costs are reasonable, and can be funded by the councils themselves.⁴⁹

62. Conversely, the North and Mid Wales Association told us that for some small councils, the cost of training can be prohibitive. This was countered by One Voice Wales, stating that it was a question of priorities, and that “even with a precept of £10,000”, covering training costs “should be manageable”.⁵⁰

63. The Cabinet Secretary referred to the bursaries provided by the Welsh Government to incentivise take-up of the code of conduct training, but that in 2023-24 only £25,392 of the £62,000 grant offer was claimed.⁵¹

Our view

64. We recognise that only a small proportion of community and town councillors are involved in complaints being considered by the Public Services Ombudsman for Wales. It is also important to acknowledge that community and town councillors are committed to their communities and give their time and energy for little or no remuneration. However, despite numbers of complaints being small within the overall context of the sector, they are significant enough to be of concern. Of particular concern, is the small number of councils where multiple complaints have been made, and we agree with the Ombudsman that such a situation gives reasons to question the functionality of those councils.

65. It is very concerning that the majority of complaints investigated by the Ombudsman relate to the promotion of equality and respect. While political debate and discourse can lead to disagreements, which are part of the democratic process, showing respect to colleagues, regardless of differences, should be paramount. Our previous work on increasing diversity in local government highlighted that experience of toxic behaviour is increasingly a deterrent for candidates considering standing for political office. We strongly believe that all tiers of government have a responsibility to ensure members conduct themselves appropriately.

⁴⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 274

⁴⁹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 155

⁵⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 307

⁵¹ Local Government and Housing Committee, 5 December 2024, RoP paragraph 137

66. Despite the requirement to sign up to their council's code of conduct on election to office, it is clear that this does not prevent some councillors from inappropriate conduct. Given that most causes of complaints relate to equality and respect, it appears to us that many cases could be avoided by councillors undertaking appropriate training. We know that appropriate training is readily available to councillors through One Voice Wales, and we welcome the bursaries provided by the Welsh Government to assist with delivery of that training. Despite its availability, it is concerning to know that take up of the training is relatively low.

67. We note that, overwhelmingly, the evidence presented to us supported the introduction of mandating code of conduct training for town and community councils, as is already the case for members of principal councils. We share this view, and believe that mandatory training could help to reduce the number of complaints made. We believe that upon signing up to their council's code of conduct, councillors should also sign a commitment to undertaking mandatory training.

68. We welcome the Welsh Government's comment that the Local Government and Elections (Wales) Act 2021 could provide a means for bringing about a requirement to have due regard to mandatory training on the code of conduct. We believe that this route should be explored further. We acknowledge concerns around enforcing compliance, however we believe that existing examples from other sectors – such as the principle of mandatory training for school governors, provide an opportunity to learn from.

Recommendation 2. The Welsh Government should explore the option of using statutory guidance via the Local Government and Elections (Wales) Act 2021 as a vehicle for introducing mandatory code of conduct training for town and community councillors, and formally consult with the sector on the proposal.

69. We welcome the training bursaries provided by the Welsh Government, however, the underspend referred to by the Cabinet Secretary is disappointing. While our preferred approach is the introduction of mandatory training, in the interim, the Welsh Government should work with One Voice Wales to increase the take up of training, while maximising the funding available. Although the cost of undertaking the training offered is relatively inexpensive, we recognise that the costs could be a barrier to some smaller councils. It is therefore critical that the Welsh Government maintains the bursaries at current levels, as removing or reducing this assistance could result in reduced take-up.

Recommendation 3. The Welsh Government should continue to offer a bursary to One Voice Wales for delivery of its code of conduct training, maintained at existing levels.

Local resolution / Arbitration

70. Under the current framework for dealing with code of conduct complaints, individuals are able to go straight to the Ombudsman with their complaint, without first seeking local resolution. For minor complaints, local resolution can prevent some cases from reaching the PSOW. The recent report by the Democratic health of community and town councils highlighted a lack of clarity about when it would be appropriate to use local resolution procedures. We specifically considered the local resolution model, and whether it works effectively.

71. The Ombudsman's evidence noted support for local resolution as a key tool in preventing the escalation of complaints, and would enable her office to focus resources on "investigating the most serious of complaints where there is a public interest in doing so". However, she noted that:

"there has been poor take up of protocols designed to support local resolution of matters between members within the Town and Community Council sector."

72. The Ombudsman also commented that the use of mediation would also be beneficial in cases where "there are issues which are negatively impacting on the Council's ability to function"⁵² and called for the "implementation of such [local resolution] protocols in all Town and Community Councils across Wales". Her evidence stated that her office "could then be confident in referring any suitable complaints back to the Council for local resolution at a local level".⁵³

73. The SLCC supported better and more frequent use of local resolution as a means of resolving disputes quickly, without needing to involve the Ombudsman in some cases:

"If some of this stuff could be resolved locally before it got to that level, I think it would be helpful. And I think, as the Ombudsman has pointed out in her evidence to the committee, it doesn't need to get this far, really. There can be a long time where there's maybe a clerk with a grievance against

⁵² Local Government and Housing Committee, CTC 10 Public Services Ombudsman for Wales

⁵³ Local Government and Housing Committee, CTC 10 Public Services Ombudsman for Wales

*a councillor, and they have to continue working together for maybe six months or more, which puts incredible strain on both the clerk and the councillor, and it can make the council dysfunctional—maybe people will be off sick, for example.*⁵⁴

74. One Voice Wales called for the current local resolution protocol to be strengthened:

*“At the moment, it only applies on councillor to councillor; it should also apply councillor and clerk to clerk. So, if we strengthen the local resolution protocol, it would bring in an independent to help deal with that. Hopefully, that will filter and reduce the number of cases ending up with the ombudsman, and they will then be better able to deal with those.”*⁵⁵

75. OWW referred to the Model Local Resolution Protocol for Community and Town Councils they have designed, but acknowledged that they “don’t know how well that works” adding that town and community councils could better engage with it with “independent external support”. Their suggestion was that monitoring officers could help councils manage those processes.⁵⁶

76. One of the issues highlighted by representatives of the sector is the lack of capacity and capability to deal with disputes. The SLCC noted that community councils will often “run out of people to moderate” between disputing parties.⁵⁷

77. Some stakeholders called for earlier involvement by local authorities in the complaints process, either by the local authority’s monitoring officer or standards committee. The PSOW noted in her evidence that it “would be beneficial” for those parties concerned in a complaint, if an “additional mechanism, potentially involving the parental local authority, could be put in place” to ensure community council business can continue for the benefit of the community.

78. The Chair of the National Standards Committee Chairs’ Forum felt there could be a role for standards committees to get involved at an early stage to try and alleviate problems before involving the ombudsman:

⁵⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 136

⁵⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 279

⁵⁶ Local Government and Housing Committee, 27 November 2024, RoP paragraph 276

⁵⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 144

“This goes to the heart, I think, of where we can make some rapid improvements and help local councils to function more effectively.”⁵⁸

79. The SLCC reflected on the process for dealing with complaints in England, where monitoring officers have the role of helping with independent arbitration and told us that while they could have a role in Wales, “mechanisms need to be proportionate and appropriate” and focus on informal resolution and “making that work”.

“the mechanism would need to be around moderating the dialogue and helping in those scenarios, [] to mediate and to moderate around informal resolution. So, some intervention from the principal council along those lines is useful, but putting it all in the hands of the monitoring officer has distinct limitations. There are countless examples from across England, for example, where that is just not working effectively, and the changes that are mooted in the standards regime in England are reflective of the fact that that isn’t currently working very well.”⁵⁹

80. The SLCC went on to note that one of the most useful aspects of the English system is that every community and local authority has agreed to “consistent set of standards”, adding that as a result, “everybody’s being held to the same standard, and it means that monitoring officers can compare and contrast what they’re able to do”.⁶⁰

81. One Voice Wales told us that it does offer an independent, external, mediation service, but that few councillors take that up due to the cost.

82. The Cabinet Secretary told us that “getting the current local resolution procedure that exists working in the intended way is likely to have a better effect” than introducing a new, additional mechanism. She added that this would rely on “a number of things, including members understanding the arrangements in place and the role they have in that process”.⁶¹ The Cabinet Secretary also noted the conclusion of the democratic health task and finish group and that they had recommended some practical ways to improve the code of conduct process.

⁵⁸ Local Government and Housing Committee, 14 November 2024, RoP paragraph 175

⁵⁹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 144

⁶⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 149

⁶¹ Local Government and Housing Committee, 5 December 2024, RoP paragraph 111

Our view

83. We recognise the significant support expressed by stakeholders for greater use of local resolutions to prevent lower level complaints from being made to the Ombudsman. We heard that many complaints are the result of disputes between members of councils or between members and clerks, and understand the strain this would put on working relationships while complaints, and counter complaints are investigated. Additionally, we understand how such situations can cast doubt on the functionality of a council. We therefore see the benefits of, where appropriate, resolving disputes locally and quickly to prevent escalation, and would like to see greater emphasis on arbitration.

84. We sympathise with the view expressed by the Ombudsman that local resolution protocols should be used by all town and community councils across Wales. We are aware that One Voice Wales have designed a model protocol, but have not heard any evidence to offer a view on its suitability. This could, however, provide a starting point for exploring options for local resolution. We call on the Welsh Government to work with relevant stakeholders to explore and identify options that will encourage greater use of local resolution processes, where appropriate, with the aim of reducing the number of complaint made to the Ombudsman.

Recommendation 4. The Welsh Government should work with relevant stakeholders to explore options to facilitate greater use of local resolutions to disputes.

85. We appreciate that dealing with disputes can be difficult for town and community councils, particularly smaller councils who may only employ one member of staff, potentially for a few hours a week. Accessing appropriate advice and support for dealing with disputes will pose a significant challenge, with no expertise available in-house. External advice and support will be available through professional bodies such as the SLCC and through private consultants. We think that accessing such advice should be made easier and recognise that principal authorities could be an important source. While we acknowledge that the staff of principal authorities already face significant workload pressures and this would be an additional responsibility, we believe there is merit in exploring mechanisms to enable the town and community council sector to access support from principal authority monitoring officers and HR services.

Recommendation 5. The Welsh Government should work with local government to explore mechanisms to enable the town and community council sector to access support from local authority monitoring officers and HR services.

3. Clerks to community and town councils

Community and town council clerks are employed by the council, and answer to the council as a whole. Staff who work for the council, such as deputy clerks or engagement officers are managed and answer directly to the Clerk. We heard there is a need for greater support and encouragement for clerks to undertake professional qualifications.

Role of clerks

86. The Clerk is the Proper Officer for the council, and as such is under a statutory duty to carry out all the functions, in particular to advise, draft, serve and issue notifications required by law of a local authority's Proper Officer. The Clerk is also, as a rule, the Responsible Financial Officer (RFO), and is responsible for the financial administration and records of the council. The SLCC states that a clerk's core duties include:

- Advising the council on legal matters;
- Administering the council's finances;
- Organising the council's procedures;
- Guiding the council as it engages with its residents;
- Negotiating with other organisations;
- Implementing the council's decisions;
- Managing the council's projects.

87. There is an expectation that Clerks are paid (as a minimum) according to a national agreement (recommendations agreed by the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC)). Councillors who temporarily act as clerks (during a vacancy for instance) cannot be paid.

88. The role of the clerk was discussed at our focus groups with representatives of the sector. One participant described the relationship between the council and the clerk as “strange”, in that the clerk is there to advise and guide but also to take instructions from the council. One participant said that “many Councillors think they know everything and won’t listen to advice”. Another said that councillors view the clerk as their secretary. It was argued that being a clerk is a complex role that isn’t always appreciated by members of the council.

89. Commenting on their experience of working with clerks, Building Communities Trust commented:

“Given that coordination of council activity and implementation of decisions made ‘hinge on the clerk,’ we have concerns about the lack of time and capacity of clerks. In some cases, community groups have found town and community council clerks very helpful and supportive whereas others think the working relationship could be better. Challenges in working with clerks were largely attributed to the workload, and the ‘enormous pressure to enact decisions’.”⁶²

Qualifications for Clerks

90. There is currently no legal requirement, other than for the purpose of becoming an eligible community council to exercise the General Power of Competence, for a community council clerk to hold a professional qualification. The Welsh Government has provided some funding in the last few years, via a bursary scheme, to cover costs for up to 50 clerks initially wishing to undertake the Certificate in Local Council Administration (CiLCA) qualification with the hope of strengthening the financial management and governance in local councils. Figures provided by the Welsh Government show that claims made each year have been significantly lower than the amount available – in 2023-24, only £13,338 was claimed despite £72,000 being available.⁶³

91. We heard support for boosting the number of clerks with qualifications. The SLCC noted that although a qualification is not essential for the post, it is desirable and “should be encouraged”, adding:

⁶² Local Government and Housing Committee, CTC 21 Building Communities Trust

⁶³ Local Government and Housing Committee, 5 December 2024, Paper 1, Table 2

“I think, that staff should be trained from the outset, and the SLCC provides a great deal of training opportunities to members.”⁶⁴

92. The Auditor General told us that it would be desirable to see the number of formally qualified clerks increase, but cautioned against going “too hard down that route” of making it a requirement. This, he noted, risked discouraging clerks from entering the profession by making it too onerous.⁶⁵ He went on to say that “professionalising the system is a good thing” and a greater number of clerks with formal professional qualifications is “an important element of that” but also referred to other training available to clerks “which is designed to enable them to do a perfectly proper and professional role without acquiring the qualification itself”.⁶⁶

93. When asked how many clerks had completed the CiLCA qualification, which One Voice Wales noted can take 12-15 months to complete, the SLCC noted that pre 2021, 76 had completed the qualification, and that 35 were enrolled after 2021. They also noted that 22 clerks were currently studying for the CiLCA qualification.⁶⁷ We heard from One Voice Wales that the number of registrations for CiLCA is going up, or being maintained, who welcomed the bursary. They added though that “it’s not all about getting CiLCA, it’s about other training routes” and referred to other training provided by the SLCC, including financial training.⁶⁸

94. However, with many clerks only working a few hours a week for their council, One Voice Wales believed that many clerks would find it beyond their scope as a small council clerk. This was conveyed to us by Higher Kinnerton Community Council:

“not all Clerk’s have the capacity to undertake and complete the Certificate in Local Council Administration qualification.”⁶⁹

95. The Cabinet Secretary referred to the bursary available, noting that around 75 new clerks could have been trained per year, and that it was “very disappointing that not everybody’s taking that up”. She told us that Welsh Government officials

⁶⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 117

⁶⁵ Local Government and Housing Committee, 14 November 2024, RoP paragraph 65

⁶⁶ Local Government and Housing Committee, 14 November 2024, RoP paragraph 74

⁶⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 185

⁶⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 297

⁶⁹ Local Government and Housing Committee, CTC 51 Higher Kinnerton Community Council

“work closely with the Society of Local Council Clerks to promote the scheme actively”.⁷⁰

Our view

96. We acknowledge the general support from the sector for clerks gaining formal qualifications and agree that this would be a step towards professionalising the role. We specifically heard about the CiLCA qualification and welcome the bursary provided by the Welsh Government to cover the cost of undertaking the course. It is disappointing that the full amount of bursary has never been claimed in any year and that the last two financial years have seen reductions in the amounts claimed.

97. We appreciate that studying for a formal qualification is time consuming and that such a commitment will be a barrier for some, particularly those clerks who work part-time who would be unable to undertake the training during their working hours. We also recognise that specifying that clerks would need to already hold or work towards holding a formal qualification will likely result in a reduction in the number of applicants to posts. However, we also recognise that achieving a formal clerking qualification is not the only option available. In addition to the CiLCA or equivalent qualifications, there are other appropriate training modules which clerks could benefit from, such as financial training. Given a clerk’s breadth of responsibilities and duties, we think there should be an expectation that they undertake the training offered.

Conclusion 1. We would like the Welsh Government to do more, in conjunction with the sector, to raise awareness of the bursary and encourage more clerks to study for it. The possibility of clerks being remunerated for the additional training time may be an option to explore.

Pooling clerking resource

98. There was calls from those who participated in our focus groups for more resource, protection and support for clerks. Some participants said they would like to see clerks being employed by the local authority in order to have the local authority’s protection. Participants said that they did not feel qualified to deal with HR issues, and that they often found themselves “firefighting” instead of doing their clerking roles. However another participant said that doing this would “strip the sector of their independent corporate status”.

⁷⁰ Local Government and Housing Committee, 5 December 2024, RoP paragraphs 148-149

99. We discussed the potential for clerks to be employed by a local authority or the potential for pooling clerking resource in some form with a number of witnesses. Some participants in our focus group felt there was not currently enough peer support for clerks. One participant said that they did not receive any “handover” when they started the role while others felt frustrated that help and information is currently not easily accessible.

100. One participant referred to Facebook group for clerks and said that people posted in it every day about bullying. The participant described a close-knit community of clerks but felt concerned for those without that network. There were calls for One Voice Wales to implement an online forum based advice area with financial support.

101. The Chair of the Standards Committee Forum told us that he was “firmly of the conclusion that, yes, perhaps a pool of clerks or an amalgamation or aggregation of clerks should be employed by the local authority”. His view was shaped by his experience of dealing with disputes.⁷¹

102. The WLGA noted that “the idea of a pool of clerks is worthy of consideration”, but questioned whether that would “fundamentally change the relationship” between town and community councils and principal authorities.⁷²

103. The SLCC were clear in their view against the suggestion, telling us:

“The important thing to remember with clerks is that they are, in a way, the chief executives of the community or town council, so they’re not just there to provide administrative services in some kind of pool.”⁷³

104. They went on to say:

“it’s inappropriate because clerks aren’t simply providing a secretarial service. It characterises the clerk in a slightly pejorative way. Clerks are the proper officers and the responsible financial officers as well. Their autonomy and independence, and their responsibility to the council as the employer, are paramount. To pool clerks weakens that bond

⁷¹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 174

⁷² Local Government and Housing Committee, 14 November 2024, RoP paragraph 190

⁷³ Local Government and Housing Committee, 27 November 2024, RoP paragraph 132

and it misrepresents what the role is about and how it operates.”⁷⁴

105. The SLCC also told us that locum services are available to address gaps when vacancies or staff absences arise and that they have mentors “who will be there to support and advise clerks”, adding:

“we have these things in place, and we have branch meetings where clerks meet up to share experiences and to draw from each other, really. So, there are mechanisms in place for supporting, and they don’t have to operate in silos, really, and they can use those services that are available to them.”⁷⁵

106. One Voice Wales were also against the suggestion stating that:

“a chief officer of a body corporate, and have that person employed by somebody outside that body corporate, it would be difficult to deal with potential conflicts of interest when it comes to transferring place based services etc, it would be difficult deal with disciplinary issues, it would be difficult to maintain a little bit of clear water between a community council and the primary authority.”⁷⁶

107. The North and Mid Wales Association believed the suggestion to be a “non-starter” and the clerk “has to stay completely independent and an employee of the town council”.⁷⁷

108. Reference was made to an example in Gwynedd, where Partneriaeth Ogwen, a social enterprise, provides clerking services for three community councils within its area. It would appear from the Partnerships website that one clerk services two community councils, and another servicing one. When Members visited Partneriaeth Ogwen as part of our work on community assets, it was explained that the community councils pay the Partnership for the service.

109. The SLCC commented:

⁷⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 159

⁷⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 163

⁷⁶ Local Government and Housing Committee, 27 November 2024, RoP paragraph 315

⁷⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 318

*"I know that it's worked very well in the situation of Partneriaeth Ogwen, but that's not to say that it would work as well across Wales."*⁷⁸

Our view

110. We were interested in the suggestion of potentially pooling clerks, possibly employed by a principle authority, and explored this further in our evidence sessions. We acknowledge that witnesses raised advantages and disadvantages around the suggestion. We understand the viewpoint that a clerk not being directly employed by a council could make disputes easier to handle. Additionally, being part of a larger organisation such as a principal authority would give clerks direct access to wider support services such as HR and legal services and could offer more resilience at times of heavy workload or staff absence.

111. However, the evidence from the sector was clear, that clerks should be directly employed by their community council, and we are very mindful of that. We recognise that councils are their own statutory bodies and have their own individual autonomy, but would encourage councils to explore opportunities for sharing clerking resources locally. There is value, in our view, for an organisation such as One Voice Wales or the SLCC to maintain a list of qualified clerks, if such a list doesn't currently exist, as a source for new or unqualified clerks to seek advice, guidance and support in their local area.

112. We are aware of other successful models working well in Wales, such as Partneriaeth Ogwen – a social enterprise in Gwynedd – where staff provide clerical support to three local community councils. We recognise that this arrangement has been in place for some time and appears to work well locally. This approach demonstrates that there are options to providing clerking services beyond the status quo, and that there is merit to explore and scale up such options.

⁷⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 132

4. Rationalisation of community councils

The report of the independent panel in 2018 recommended that all areas in Wales should be represented by a community council. However, in the latest election in 2022, only 22 per cent of the 7,883 community and town council seats were contested. 62 per cent of seats were uncontested, therefore no election was held, and 16 per cent of seats were unfilled.

113. We heard mixed views around the need to rationalise the number of community and town councils in Wales.

114. North and Mid Wales Association were of the view that “unless councils are enlarged, service delivery locally will prove exceedingly difficult”.⁷⁹ They went on to tell us that “size is a very, very important thing if we’re going to be asked to do so much more” in terms of taking on local authority run assets.⁸⁰

115. The Chair of the National Standards Committee Chairs’ Forum told us that in his view there was scope for rationalisation of some town and community councils because they “struggle to attract members, struggle to attract appropriate support, and generally to ignite interest in the locality”. He suggested that this “could be assisted by some sort of review and rationalisation”.⁸¹

116. However, One Voice Wales was of the firm view that rationalisation of councils via mergers “would not be a step in the right direction”.⁸² They told us that their position is to “respect the sovereignty of the individual councils”, and that they “want that retained”. One Voice Wales also emphasised their support for establishing a community council in all communities in Wales.⁸³ They noted that:

⁷⁹ Local Government and Housing Committee, CTC 47 North and Mid Wales Association of Local Councils

⁸⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 223

⁸¹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 142

⁸² Local Government and Housing Committee, CTC 22 One Voice Wales

⁸³ Local Government and Housing Committee, 27 November 2024, RoP paragraph 231

“The unintended consequences of such a move towards mergers would be the reduction in the numbers of community and town councillor’s and thereby creating a net reduction in numbers of those providing resource to civic society in Wales...not to mention the increased democratic deficit of community and town councillors taking responsibility for ever larger electorates quite possibly beyond existing community boundaries.”⁸⁴

117. One Voice Wales called for “a clear strategy, a clear vision from the [Welsh] Government about what this sector is about”, adding:

“How can you measure how effective we are if there is no clear plan, no clear strategy, no clear vision from the Government? It’s not One Voice Wales’s job to provide that vision, that Wales vision about the sector, and it’s not individual councils’, and it’s not the principal councils’; it is the job of Government. And there is no clear vision, no clear strategy, and in that scenario, individual perceptions will rule and you will get inconsistencies across all of Wales.”⁸⁵

118. The democratic health task and finish group concluded that a review of evidence to inform sizing policies should be carried out by the Democracy and Boundary Commission Cymru and that this would inform a nationally consistent approach to principal council-led community reviews.

119. The Cabinet Secretary acknowledged the need to balance “the right level of representation to understand those local issues and needs versus the capacity and the capability of the sector” and referred to regular reviews around the community council numbers. An official referred to the conclusion by the task and finish group, accepting that “it probably does need looking at” and that the boundary reviews would be the mechanism for that to happen.⁸⁶

Clustering of councils

120. A potential approach highlighted for further consideration was ‘clustering’, where community councils work closely together, sharing resource, collaborating across communities and jointly contracting services.

⁸⁴ Local Government and Housing Committee, CTC 22 One Voice Wales

⁸⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 216

⁸⁶ Local Government and Housing Committee, 5 December 2024, RoP paragraphs 63-64

121. The sector was open to the idea of clusters, but that further development of the concept is needed. The SLCC said that clustering would be “more cost-effective in terms of funding and so on”, and would enable better co-operation arrangements between councils, such as joint-contracting arrangements. However, the SLCC also supported retaining the current number of councillors for those communities to avoid the potential risk of increasing local “democratic deficit”.⁸⁷

122. Some of the written evidence we received supported the case for looking at clusters. Tawe Uchaf Community Council noted that “clusters of small councils would be a more effective strategy if change has to come”, while Montgomery Town Council signposted a specific model in its area - the Vale of Montgomery Rural Cluster of Councils, which is aimed at facilitating closer working arrangements and “sharing of experience”. Support for clustering smaller councils rather than to disband was also voiced by some who participated in our focus groups.

123. The Cabinet Secretary told us that:

“there have been examples where they [community councils] have come together and clustered... From a purchasing and contracting perspective, I think it can work, but it's got to be a locally led decision. We know that several clerks work across several community councils as well, but it isn't a huge leap, really, then to think that they could pool those resources. Again, I've given one example, but I'm not aware of many others, and I think that's something where we could look with interest at what's happening in Gwynedd.”⁸⁸

Our view

124. We note that there was no strong desire from stakeholders for rationalising the number of town and community councils, however we cannot ignore the fact that at the last local elections, only 22 per cent of seats were contested. This suggests that in many areas, there is a sense of apathy or disengagement with the most local form of government. This leads us to question whether the current structure is appropriate.

125. We are very aware that the size of community councils vary significantly. While we recognise that many smaller councils across Wales are engaged with

⁸⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 127

⁸⁸ Local Government and Housing Committee, 5 December 2024, RoP paragraph 72

and are doing excellent work within their communities, as expectations increase on community councils to undertake additional local services, we wonder whether in some areas, combined councils may provide greater opportunities for effective delivery with more resources and expertise. However, we are mindful that the evidence we heard differed, and therefore do not offer a firm view on this. We do believe that this would benefit from further consideration by the Welsh Government and the sector.

126. We note that the task and finish Group on the democratic health of community and town councils concluded that a review of evidence to inform sizing policies should be carried out by the Democracy and Boundary Commission Cymru and that this would inform a nationally consistent approach to principal council-led community reviews.

Recommendation 6. The Welsh Government should work with a relevant body, such as the Democracy and Boundary Commission Cymru, to undertake a review of evidence to inform sizing policies to ensure a nationally consistent approach to principal council-led community reviews.

127. We note that the sector's evidence was receptive to the potential for exploring opportunities for councils to cluster, which is welcome. We believe that the Welsh Government should now engage with the sector to explore opportunities for clustering and to encourage the sharing of good practice.

Recommendation 7. The Welsh Government should engage with the town and community council sector to explore greater opportunities for clustering and to encourage the sharing of good practice.

5. Relationship between Principal and Community Councils

Representatives from the town and community council sector were clear in their view that relationships between the sector and principal authorities are patchy.

128. In 2002, the report by Aberystwyth University on the Role, Functions and Future Potential of Community and Town Councils in Wales (*'Aberystwyth Report'*) stated that one of the broad objectives of its recommendations was to formalise relationships between community and town councils and other bodies, including principal councils and the then Welsh Assembly Government. It would appear that, over 20 years later, such work is ongoing.

129. Cwmpas told us of evidence they had undertaken for one local authority, including an element which looked in to the authority's relationship with town and community councils. The research showed that the size of a community council can impact the relationship, we heard that:

*"for larger town and community councils, they said that the relationship they had with the local authority was good and consistently good, but the smaller town and community councils said that, where there were good, positive personal relationships, the relationship was fine, but, otherwise, they felt ignored, seen as a hassle, a top-down approach."*⁸⁹

130. We heard from the SLCC evidence that "more and more is being asked of town and community councils by local authorities", and that "relations between town and community councils and their local authorities could be improved". In noting that relationships are patchy, the SLCC told us that there can be variability in relationships with different departments within the same authority.⁹⁰ Mid and North Wales Association of Local Councils stated that while there are good examples of good working relationships with local authorities, the relationship was, in general "poor". The SLCC did not agree that relationships were generally

⁸⁹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 257

⁹⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraph 99

poor, but that “there’s generally room for improvement to varying degrees with all authorities”.⁹¹

131. One Voice Wales noted that many community councils are party to charters with their respective principal councils, but that although the aim of these “is to define and enhance the existing relationship between the respective tiers of local government”, they felt that several “aspects of the charter are not adhered to”⁹². The SLCC described a mixed picture across Wales,⁹³ and that sometimes charters are a success whereas others are “largely forgotten about”.

132. One Voice Wales explained that the model charter, which was designed in 2008 “needs updating”. They felt that the content of the model “is probably too onerous and needs a refresh”.⁹⁴

133. There was a strong sense of frustration among participants in our focus groups at the relationship between the sector and principal authorities. Participants expressed concern, that their views are often overlooked or ignored by local authorities. Planning matters was cited as a particular issue. It was noted that the disregard shown to the sector by some local authorities may be a barrier to recruiting new people to become local councillors.

134. One Voice Wales accepted that the “current picture is still probably mixed, to a degree” but told us that in recent years there had been “much more collaboration between the two tiers of government”. They added that there had been more collaboration between the sectors in response to Covid, which has resulted in closer working relationships⁹⁵ and referred to a collaborative approach in response to recent flooding in Pontypridd.

135. Both One Voice Wales and the WLGA referred to the Memorandum of Understanding (MoU) between the organisations, which sets out how they will work together “to promote local democracy”.⁹⁶ An MoU was initially agreed in 2013 and a refresh launched in in October 2024.

136. The WLGA recognised that relationships “vary incredibly across Wales”, noting that principal councils that cover smaller geographical areas may find it easier to build relationships with community councils as there are fewer of them. Councillor Anthony Hunt told us that there are examples where relationships have

⁹¹ Local Government and Housing Committee, 27 November 2024, RoP paragraph 106

⁹² Local Government and Housing Committee, CTC 22 One Voice Wales

⁹³ Local Government and Housing Committee, 27 November 2024, RoP paragraph 100

⁹⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 215

⁹⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraphs 207-209

⁹⁶ Local Government and Housing Committee, CTC 02 WLGA and CTC 22 One Voice Wales

worked well and that the refreshed MoU “is a way of trying to get that sort of best practice spread out more”. He acknowledged however that building relationships is “always going to take people at both levels” to work together.⁹⁷

137. The WLGA felt that a consistent approach to building relationships was difficult, and that larger community councils may have more resource to harness that relationship. Other local authorities may have significant numbers of community councils in their area, with limited resource and opportunity to devote time to building those partnerships.

138. The SLCC stated that if local councils are to be ‘fit for purpose’ that they need to be “respected and enabled by local authorities to be engaged in discussions” that affect their communities.

139. Several participants in our focus groups spoke of the additional responsibilities undertaken by their councils, in particular operating services such as public toilets or car parks. Most felt that the sector was well placed to run these community services, but not all have the resources, skills or ability to effectively manage them. It was noted that there should be proper consultation by local authorities and resources to support the transfer of responsibility for services – including support from officers. A similar view was expressed by the Mid and North Wales Association that the sector need pre-warning about the transfer of services, and “not have it suddenly lumped on us with three months’ notice”.⁹⁸

140. The Cabinet Secretary told us that “developing that sustainable relationship between community and principal councils really is a job for them” but acknowledged that the Welsh Government has a role in “providing a framework for that and encouraging councils to use that framework”. She added that she was “pleased that the WLGA and One Voice Wales signed a memorandum of understanding to work more closely together”:

“It’s obviously a very encouraging sign of that commitment to partnership and collaboration and support for both organisations.”⁹⁹

Our view

141. We recognise that principal councils and community councils are statutory bodies, and both have their own roles and responsibilities. However, given that

⁹⁷ Local Government and Housing Committee, 14 November 2024, RoP paragraph 127

⁹⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 204

⁹⁹ Local Government and Housing Committee, 5 December 2024, RoP paragraphs 60-61

both tiers of local government strive to achieve the best outcomes for their local communities, we feel that effective collaboration is in the best interests of everyone in the area. It is disappointing to hear that the community council sector feel that their voice is often not heard or overlooked when principal councils make decisions about their communities. We appreciate that principal councils will sometimes need to make decisions that local communities may not agree with, but better communication and a closer relationship between the two tiers of local government may help when difficult or unpopular decisions are taken.

142. We welcome the refresh of the MoU between the WLGA and One Voice Wales and hope this will act as a catalyst to bring greater consistency in relationships between the two tiers of government. The good practice we heard about councils working together during the Covid period and in response to recent flooding demonstrates how collaboration can be effective. We note the view expressed by One Voice Wales that the model charter should be reviewed and refreshed. We welcome this and would encourage a review to be undertaken if it assists with improved and more consistent collaboration. It will be important to get commitment from both tiers of government and leadership from representative bodies to ensure that all councils are engaged.

Recommendation 8. The Welsh Government should support both tiers of local government to ensure a review of the model charter between principal and community councils can be undertaken.

6. Digital

In March 2023, the Local Government Chief Digital Officer reported on community and town councils' digital readiness and made a series of recommendations. We heard about some fundamental issues with technology in the sector including how using digital for service development is still in its infancy.

143. One Voice Wales noted that for many community and town councils, “providing services digitally is challenging”. It also described capacity within the sector to deliver training and development in a changing digital landscape as “patchy”.

144. We heard that some community councils struggle with some basics, such as Wi-Fi connection, basic hybrid infrastructure, and some are still without a website facility. One Voice Wales said that 30 per cent of councils do not provide a dedicated council email for their staff, while 56 per cent do not provide email services to their councillors. It was also noted that in 64 per cent of community councils, some staff and councillors are using personal email addresses for council business. The Auditor General commented that this “often results in a loss of information when staff change. This also increases risk of loss to the public purse”. One Voice Wales told us there have been some improvements, with 90 per cent of councils now providing equipment such as a laptop for the clerk.¹⁰⁰

145. The Auditor General also pointed out that audit procedures would be far more straightforward if “all councils could have a functioning website that was well-maintained” but acknowledged the need “to be realistic about the capacity of some councils to comply with that”.¹⁰¹

146. Cwmpas told us about the support they have provided to the sector through their digital device loan scheme:

¹⁰⁰ Local Government and Housing Committee, 27 November 2024, RoP paragraphs 339-340

¹⁰¹ Local Government and Housing Committee, 14 November 2024, RoP paragraph 110

“where the issue of getting online isn't lack of skills, it's just having access to the devices that you need to get online, we have the loan scheme where people can go into a local community and use those devices and develop their skills and other activities.”¹⁰²

147. Focus group participants conveyed differing experiences around being able to work in a hybrid manner. Some councils had the necessary technology and facilities to operate hybrid meetings, however some councils do not have the facilities in their meeting spaces meaning that all participants needed to join meetings remotely. There was support for virtual attendance with participants in agreement that it increased opportunities for people with other responsibilities to join meetings. Experience of provision of equipment also varied with some councillors having been provided with tablets while others called for this to be available universally. The cost of universal provision was considered prohibitive by some.

148. Cwmpas told us of work they were doing through their Digital Communities Wales project with One Voice Wales. We heard that in 2024 they delivered seven sessions which covered “a variety of topics, like online safety, community engagement, becoming a digital champion” and that 77 attendees participated from 50 councils. While welcoming the engagement, they acknowledged that “there are a lot more town and community councillors in Wales who could benefit from that”.¹⁰³

149. One Voice Wales noted that it had received two tranches of funding of £150,000 a year for digital transformation, which it said was “incredibly welcomed, if not a little late”. This was in recognition of the challenges around “digital capacity and capability within the sector” it said. We heard that the funding had been used to undertake research and that the organisation will have a new website which will “become a repository for a lot of new information”. This includes “a whole range of guidance documents bespoke to the sector”, which will enable clerks and councillors to “manage digital programmes more efficiently”. They told us that as part of the programme, 120 digital maturity assessments of individual councils had been undertaken which has given “a rich picture of the issues facing the sector, going forward”.¹⁰⁴

150. One recommendation from One Voice Wales was for the need for a standard package of IT for the sector that would cover multi-location meetings, core

¹⁰² Local Government and Housing Committee, 14 November 2024, RoP paragraph 301

¹⁰³ Local Government and Housing Committee, 14 November 2024, RoP paragraph 295

¹⁰⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraphs 334-335

finance and governance activity. They also recommended that there should be a central service desk that provides IT support for the sector, reducing costs for community councils¹⁰⁵ Carmarthen Town Council noted that it is “fortunate” to have a service level agreement with the local authority for IT support adding that:

“The scope of councils to operate digitally could be improved with provision of support, perhaps based on call-off contracts in the regions of Wales or an SLA with local authorities.”¹⁰⁶

151. An alternative approach has been taken by Abergavenny Town Council by paying for technical support from a local company as “staffing being so small there is not scope to have a dedicated IT expert employed directly by the council”.¹⁰⁷

152. Participants in our focus groups voiced general support for the use of technology, but this was accompanied by a warning that technology should not be the only option. It was noted that many areas of Wales still have poor connectivity and that some older people are not confident in using technology. This was echoed by Cwmpas who noted that although rates of digital exclusion in Wales have reduced significantly, down 7 per cent currently, the remaining 7 per cent increasingly face challenges in accessing public services by not being online.

153. Cwmpas went on to say that putting information on a website should not be seen as “enough”, adding that:

“It then moves on, I think, to questions about digital transformation and how to make these town and community councils use the technology that is available, in the best way possible, but in that people-first approach.”¹⁰⁸

154. The Cabinet Secretary acknowledged that “there’s still a lot to do in increasing the digital readiness of the sector” and referred to the funding provided to One Voice Wales. She did not indicate whether the funding would continue for 2025-26 financial year. The Cabinet Secretary also referred to the digital health action plan published in May 2023, following the report by the Local Government Chief Digital Officer and noted that it “reflects the areas of highest impact”.¹⁰⁹

¹⁰⁵ Local Government and Housing Committee, 27 November 2024, RoP paragraph 341

¹⁰⁶ Local Government and Housing Committee, CTC 04 Carmarthen Town Council

¹⁰⁷ Local Government and Housing Committee, CTC 05 Abergavenny Town Council

¹⁰⁸ Local Government and Housing Committee, 14 November 2024, RoP paragraph 296-297

¹⁰⁹ Local Government and Housing Committee, 5 December 2024, RoP paragraph 162

Our view

155. It has been two years since the Local Government Chief Digital Officer published their report on digital readiness in the sector, and almost two years since the Welsh Government published its action plan. Despite minor improvements, it is clear from the evidence we heard that significant work is required to improve the digital capacity of town and community councils. It is also apparent that not only are community councils not in a position to take full advantage of 'digital', a significant proportion haven't ensured the most basic IT provision for their staff and councillors. The figures provided on the number of councils who do not have email provision for their staff and councillors are striking, and urgent improvements are needed. It is unacceptable that official council business is conducted using personal email. This raises serious concerns around compliance with GDPR regulations and a lack of audit trail when individuals leave their posts.

156. We are also concerned that some councils are prevented from holding their meetings in a hybrid manner due to the lack of infrastructure at their meeting premises. We heard that this has resulted in some councils holding only fully virtual meetings. While we advocate the benefits of councillors being able to participate in meetings remotely, we believe this should be as part of a hybrid format so that they can make a choice for themselves. We are concerned that fully virtual meetings can be as prohibitive to some people as fully in person meetings can be to others.

157. We appreciate that smaller councils will not have sufficient funds to cover the costs of IT equipment and support and note the evidence from Carmarthen Town Council that it has an agreement with the local authority who provide support. Unless there is a good reason not to, we believe there should be an expectation that local authorities provide IT support to town and community councils through service level agreements. We also encourage the shared use of suitable facilities for use by community councils to host hybrid meetings.

Recommendation 9. The Welsh Government should provide an update on the implementation of the digital health of community and town councils action plan published in May 2023.

Recommendation 10. The Welsh Government should work with the WLGA and One Voice Wales to encourage local authorities to:

- provide IT support to town and community councils through service level agreements, and

- share facilities for use by town and community councils to hold hybrid meetings.

7. General Power of Competence

The Local Government and Elections (Wales) Act 2021 enables a community council that has met certain conditions to become an eligible community council for the purpose of exercising the General Power of Competence. A council must pass a resolution that it is an eligible council at each annual meeting.

158. Under the 2021 Act, the three criteria a community council must meet in order to be eligible to exercise the General Power of Competence (GPoC) are:

- i. At least two-thirds of the total number of members of the council have been declared to be elected (including unopposed), whether at an ordinary election or at a by-election;
- ii. The clerk to the council holds such named qualification or certification as may be specified by the Welsh Ministers by regulations; and
- iii. The two most recent Auditor General for Wales (AGW) opinions on the council's accounts are unqualified. The most recent must have been received in the previous 12 months.

159. We were not given any definitive figures for the number of eligible councils who have used the GPoC to date although some witnesses thought this to be approximately 30. Building Communities Trust highlighted the difficulties they have experienced in trying to “determine how many town and community councils meet this threshold and enjoy this power”, adding:

“The lack of an easily identifiable directory of town and community councils possessing these powers and responsibilities is a gap in overall accountability and transparency of this tier of government.”¹¹⁰

¹¹⁰ Local Government and Housing Committee, CTC 21 Building Communities Trust

Eligibility criteria

160. Stakeholders generally welcomed the ability for community councils to use the GPoC although many expressed the view that the eligibility criteria act as a barrier to some councils. The SLCC described the eligibility criteria as “very restrictive” saying that it “excludes many councils that are competent and well-run”.¹¹¹

161. A particular barrier highlighted by some was the requirement in the 2021 Act for eligible councils to reaffirm their eligibility annually. We heard that this could be challenging if delays occur during the audit process, if a qualified clerk leaves their role or if a council loses elected members mid-term to be replaced by co-opted members. The SLCC described the requirement as “not proportionate” and an “administrative burden” and told us:

“Our view would be that it isn’t what GPC allows you to do that is onerous. Indeed, it’s a power that frees councils to be more responsive, entrepreneurial, to respect that community’s wishes far more directly and quickly. The only notion of there being any administrative burden is in demonstrating annually that those conditions are met.”¹¹²

162. One Voice Wales also highlighted the challenges with exercising the power, as the period for planning and preparation for some schemes can take more than a year, by which time they would become ineligible for the power if the council’s circumstances had changed in relation to one of the three criteria. They described it as “a bit of a put-off”. One representative said that he had advised his own community council not to seek the power despite meeting the requirement in the Act. He told us that until the period of eligibility was extended to five years, he would not advise his council to seek the power.¹¹³

163. Similar concerns were raised by the SLCC, describing the requirement to pass a resolution annually to continue to be eligible as “a bit of an administrative beanfeast” and suggested it deterred some people from “taking it forwards enthusiastically”.¹¹⁴

164. Individual also councils highlighted such concerns in their evidence. Pennard Community Council noted that the GPoC gives councils “the opportunity to do

¹¹¹ Local Government and Housing Committee, CTC 33 Society of Local Council Clerks

¹¹² Local Government and Housing Committee, 27 November 2024, RoP paragraphs 180 & 189

¹¹³ Local Government and Housing Committee, 27 November 2024, RoP paragraphs 322 & 324

¹¹⁴ Local Government and Housing Committee, 27 November 2024, RoP paragraph 183

more” but that it is “difficult to achieve given the criteria needed to obtain it and to enable annual re declaration”¹¹⁵ while Karen Brown, Clerk to Buckley Town Council stated:

“The General Power of Competence (GPOC) is a valuable tool for Councils, allowing greater flexibility in how they support their communities. While the three criteria required to attain GPOC are rightly set at a high standard, the need for annual re-declaration can be problematic if unforeseen circumstances occur—such as the resignation of a qualified Clerk or Councillors.”¹¹⁶

165. Both One Voice Wales and the SLCC compared the Welsh and English systems, noting that in England, a parish council can carry through the General Power until the next full election. The SLCC explained that in England “the reassertion follows the annual meeting after every round of council elections. So, for the term of that council it can assert GPC”, adding:

“That appears, on the whole, to work well and successfully. It might be an alternative that could be considered that is seen as slightly less onerous.”¹¹⁷

166. One Voice Wales concurred:

“You might lose one eligibility criterion, but then you could carry on as you are until the ordinary elections. That seems to be more sensible. I would suggest One Voice Wales would strongly support a change to that.”¹¹⁸

167. Responses to our written consultation also raised concerns at delays in the completion of audits as a barrier. One response stated that councils need resources and support to meet the accreditation, noting that “many councils have been unable to declare GPOC due to the backlog of audits”¹¹⁹ while Higher Kinnerton Community Council said:

“The time taken to complete audits is a cause of concern. Delays could impact on Councils claiming eligibility to exercise

¹¹⁵ Local Government and Housing Committee, CTC 41 Pennard Community Council

¹¹⁶ Local Government and Housing Committee, CTC 29 Karen Brown

¹¹⁷ Local Government and Housing Committee, 27 November 2024, RoP paragraph 183

¹¹⁸ Local Government and Housing Committee, 27 November 2024, RoP paragraph 322

¹¹⁹ Local Government and Housing Committee, CTC 12 Anonymous

the General Power of Competence and have implications for setting budgets.”¹²⁰

168. The Auditor General for Wales acknowledged some capacity issues in recent years in dealing with “a very significant backlog of work” but that Audit Wales had put more resource into the sector and were “now in a much better place”.¹²¹

Our view

169. We note that the town and community council sector welcomes the provisions that enable councils to resolve themselves eligible for use of the GPoC. However, the eligibility criteria is clearly proving a barrier to some councils despite on paper meeting the requirements. Although we were not given a definitive figure for the number of councils who have exercised the power to date, the approximate figure of 30 seems low. Given the support for the power, we would have expected the number of councils becoming eligible to be higher. We do, however, acknowledge that the power is still a relatively new one having only been available since 2021.

170. In light of the concerns highlighted by the sector, we believe there would be merit in exploring whether the requirement for councils to re-affirm their eligibility annually should be reconsidered. We recognise the importance of the three eligibility criteria, but are concerned that councils are not making the most of the opportunity to exercise the GPoC due to the need to re-affirm annually. We note that some witnesses referred to the arrangements in England and suggested that the requirement there to re-affirm after each electoral cycle to be more proportionate.

Recommendation 11. The Welsh Government should make the necessary legislative changes so that community councils eligible to exercise the General Power of Competence are only required to affirm their eligibility once during an electoral term.

¹²⁰ Local Government and Housing Committee, CTC 51 Higher Kinnerton Community Council

¹²¹ Local Government and Housing Committee, 14 November 2024, RoP paragraphs 103-104

Annex 1 List of oral evidence sessions.

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name and Organisation
14 November 2024	<p>Adrian Crompton, Auditor General for Wales, Audit Wales</p> <p>Deryck Evans, Audit Manager, Audit Wales</p> <p>Councillor Anthony Hunt, Leader, Torfaen County Borough Council Welsh Local Government Association</p> <p>Justine Cass, Deputy Monitoring Officer and Solicitor, Torfaen County Borough Council, Welsh Local Government Association</p> <p>Clive Wolfendale, Chair, National Standards Committee Chairs' Forum</p> <p>Dan Roberts, Policy and Engagement Officer, Cwmpas</p>
27 November 2024	<p>Michelle Morris, Public Services Ombudsman for Wales</p> <p>Emma Smith, Welsh Policy Liaison Officer, Society of Local Council Clerks</p> <p>Michael King, Head of Policy and External Communications, Society of Local Council Clerks</p> <p>Lyn Cadwallader, Chief Executive, One Voice Wales</p> <p>Mike Theodoulou, Chair, One Voice Wales</p> <p>Paul Egan, Deputy Chief Executive, One Voice Wales</p> <p>Ian Hodge, North and Mid Wales Association of Local Councils</p>

Date	Name and Organisation
	Robert Robinson, Secretary to the Association, North and Mid Wales Association of Local Councils
5 December 2024	Jayne Bryant MS, Cabinet Secretary for Housing and Local Government Kevin Griffiths, Head of Local Government Partnerships Policy, Welsh Government Lisa James, Deputy Director, Local Government Policy Division, Welsh Government

Annex 2 List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the [Committee's website](#).

Reference	Organisation
CTC 01	Gwenfair Jones, Phil Rees, Arfon Jones
CTC 02	Welsh Local Government Association
CTC 03	Bryony Nicholson
CTC 04	Carmarthen Town Council
CTC 05	Abergavenny Town Council
CTC 06	Llandough Community Council
CTC 07	Hirwaun & Penderyn Community Council
CTC 08	Lisvane Community Council
CTC 09	Llangynyw Community Council
CTC 10	Public Services Ombudsman for Wales
CTC 11	Llangollen Town Council
CTC 12	Anonymous
CTC 13	Hawarden Community Council
CTC 14	Abergele Town Council
CTC 15	Llandrindod Town Council
CTC 16	Roger Evans
CTC 17	Kerry Community Council
CTC 18	Dr Nathan Matthews
CTC 19	Abermule with Llandyssil Community Council
CTC 20	Tawe Uchaf Community Council
CTC 21	Building Communities Trust

Reference	Organisation
CTC 22	One Voice Wales
CTC 23	Justin Horrell
CTC 24	Acton Community Council
CTC 25	Aberystwyth Town Council
CTC 26	Cowbridge Town Council (Ancient Borough) with Llanblethian Town
CTC 27	Sian Meredudd
CTC 28	Cwmpas
CTC 29	Karen Brown
CTC 30	Llanboidy Community Council
CTC 31	Dave Sheridan
CTC 32	Montgomery Town Council
CTC 33	Society of Local Council Clerks
CTC 34	Blaenavon Town Council
CTC 35	Vale Youth Forum
CTC 36	Llangynog Community Council
CTC 37	St Fagans Community Council
CTC 38	Llandyfaelog Community Council
CTC 39	Audit Wales
CTC 40	Pontarddulais Town Council
CTC 41	Pennard Community Council
CTC 42	Swansea Council for Voluntary Service
CTC 43	Mawr Community Council
CTC 44	Democracy and Boundary Commission Cymru
CTC 45	Crymych Community Council
CTC 46	Aberporth Community Council
CTC 47	North and Mid Wales Association of Local Councils
CTC 48	Broughton & Bretton Community Council
CTC 49	Manafon Community Council

Reference	Organisation
CTC 50	Individual
CTC 51	Higher Kinnerton Community Council
CTC 52	Paul Evans