

DLG 21

Ymchwiliad i amrywiaeth ym maes llywodraeth leol

Inquiry into diversity in local government

Ymateb gan: Un Llais Cymru

Response from: One Voice Wales

1. One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 82% of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors, which continues to deliver effectively. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning.
2. One Voice Wales (OVW) welcomes the opportunity to contribute to the Committee's Inquiry on Diversity in Local Government.
3. One of the One Voice Wales's core roles is to promote local democracy and, along with community and town councils, it has promoted and supported initiatives to encourage greater understanding, engagement and participation in the local democratic process over recent years.
4. One Voice Wales has identified and has encouraged its membership to take up a number of key sustainable development roles including activities based on the evolving economic, potentially changing governance structures and environmental climate which potentially supports greater diversity in democracy at the community and town council level of local government:
 - Conducting audits of community assets within communities and becoming the focal point for asset based leadership in communities.
 - Seek the views of residents in service delivery and involve young people in decision making – evidence based community leadership
 - Promote and support where possible the development of community renewable energy initiatives for community benefit – being seen as the catalyst for sustainable development initiatives
 - Work in 'clusters' with other local councils to maintain infrastructure and service delivery at a sub Unitary Authority level – implementing the development of 'Joint Delivery Partnerships'
 - Support employment initiatives and make decisions that boost local economy activity such as youth employment mentoring schemes

- Consult in a robustly democratic way to ensure that precept spend and any rises are accountable and aimed at what the community wants
 - Boost social capital by working in partnership with development trusts, voluntary groups and social businesses
 - Supporting local tourism and embracing local cultural and historical assets that enhances a sense of place and encourages local distinctiveness.
5. The drivers, synergies and justification for these roles are set out below:
 6. The Welsh Government's Wellbeing of Future Generations (Wales) Act – will force a re-think in public service delivery. In future, more collaboration and more innovation in the way services are delivered (as above for example)
 7. Financial Pressure – cuts force innovation. The Wales Wellbeing Bond and the Community Interest Fund in general provide an opportunity for co-production in designing and delivering services. New partnerships could emerge between Community and Town Councils, voluntary sector and unitary authorities
 8. Charters with unitary authorities (including a Local Councils/ County Councillor Member's "Protocol" in Carmarthenshire). In best cases, these have resulted in a much healthier relationship between the two tiers – more respect and coherent partnership. The signing of the Memorandum of Understanding between One Voice Wales and the Welsh Local Government Association in November 2013 established the foundations for future collaboration between the two tiers of local government. This continues to flourish through the National Training and Advisory Group where joint working on a range of training materials supporting Councils and Councillors has occurred.
 9. In Brecon Beacons National Park, the charter between the park authority and the councils, clarifies planning issues and is linked to an action plan which each council develops and is responsible for delivering. At the National Parks Conference 2015 this arrangement was held up as best practice and has assisted in improving the Management Plan for the Beacons Park. We will be working with both Snowdonia and Pembrokeshire National Parks in 2018-19 to replicate the success in the Brecon Beacons.
 10. A proportion of Community Infrastructure Levies (CIL) collected by principal authorities in Wales with up to 15% being devolved to local Councils. (One Voice Wales has published a guide for Councils in relation to the levy)
 11. Although 'place plans' were not included in the Planning (Wales) Act there is still much interest in their development within the local council sector. Shropshire Place Plans as a best practice example that can be borrowed from and built upon: these have been developed by Shropshire County Council and enable all lead bodies operating in a specific zone to consider how their available resources can be re-engineered to provide maximum benefit and impact. This bottom up approach is now being re-looked at by Planning Aid Wales as a new level of community planning – it is anticipated that community

and town councils will have a greater role in bringing these plans to fruition in Wales. The existence of 'place plans' could support how the spending of CIL is undertaken.

12. However, several barriers and challenges were identified to developing these roles and this has recently been confirmed in feedback received in regional consultation on the future of the community and town council sector:

- There is a lack of capacity in patches across Wales: some councillors lack clarity on their role and the confidence to do anything practical.
- Action cannot be local in isolation – it has to integrate into the work underway to co-ordinate sustainability and sustainable economic development at a regional scale. The challenge remains the same - to integrate the local with the regional and national. Aligning the work of local councils with the Local Well being Plans and Local Development Plans has been challenging to date though not insurmountable in future with better lines of communication between the sector and other public bodies.
- Community and Town Councils are not fully represented across Wales on the Public Service Boards as yet or the Local Development Plan structure – they are part of the statutory consultees to these plans but often feel side-lined. However in some cases they are not helping themselves and do not make vigorous representation when given the opportunity. Local village plans or 'Place Plans' are not part of the LDP process although their potential use is supported by the Local Government Act 2000. No formal, legislative powers for local/village plans but it could be argued that they should be adopted as supplementary planning policy guidance documents.
- Councillors as individuals receive limited remuneration (though this is increasingly being addressed by the Independent Remuneration Panel for Wales who are recognising the changing role of local councillors) and as a consequence have limited capacity to engage with major strategic issues. They are characterised by a tendency of not wanting to rock the boat. They lack confidence and time and prefer to concern themselves with what is immediate, local and smaller scale.
- Clerks are often under resourced and work longer hours than they get paid for.

13. Additionally the Review of Community and Town Council Funding in the autumn of 2015 identified there was a consensus that the nature of the sector – a high number of very small councils – means that communicating with the sector and effecting change in it is not a straightforward matter. Features of the sector which were highlighted in discussions included:

- Councils do not cover the whole of Wales
- A high number of small councils;
- Councillors see themselves as volunteers, and the fact that they are unpaid means their goodwill needs to be maintained;

- In many places there can be difficulties in recruiting councillors and many are co-opted after the elections have been held.
- Many councils rely on a part-time Clerk, and have limited ICT and other facilities;
- Significant changes in the role of councils, and the demands placed on them, could see a high turnover of clerks and councillors. One Voice Wales has been giving increasing support to community and town councils on employment matters and the recruitment of clerks.
- Councillors regard the link to their local community as absolutely vital and believe that the creation of larger councils covering a wider geographical area will break that link and lead to greater difficulties in recruiting councillors. The potential for 'clustering' of councils will need to be dealt with sensitively.
- Councils were highly concerned about increases to their precept, and a careful approach to use of their budgets was a factor in their attitude to OVW membership fees.
- Cuts to services and the delegation of local authority services was the most pressing issue facing councils at the present time and generated heated discussion, particularly on the role of local authorities in enabling councils to take sound decisions on the viability of transferring services.
- For larger councils, the Wellbeing of Future Generations (Wales) Act presents new challenges in terms of how they engage with their electorates and collaborate with Public Service Board plans.

14. All of the above were raised as ongoing issues in the eight consultation events held by One Voice Wales in November and December 2017.

15. To overcome the barriers and challenges a number of issues need to be addressed. Again these issues were re-affirmed as still existing in the consultation events mentioned above:

- A clear demarcation and public statement on what the precept pays for: what does the unitary authority do and what does the community/town council do. Precept linked to specific services and outcomes – it becomes obvious what the local electors money is spent on and whether it has been spent well.
- Some Charters with unitary authorities are a bit light touch. The charters need to be given more weight and linked to a clear annual action plan. The Cabinet Secretary has been made aware of the concerns of the Community and Town Council sector during 2017-18 and representation will be made during 2017-18 via feedback to the Community and Town Council Review Panel consultation on the need to make these work for the benefit of local communities.
- There is a need for regional committees or structures that include larger councils and/or cluster representatives for the smaller ones/all – One Voice Wales will be working with the Local Government Democracy and

Boundary Commission in 2018-19 to discuss criteria to be used by Unitary Authorities when considering 'Community Reviews'.

- Councillors need better instruction on their roles and some kind of intervention to give them more confidence in carrying out these roles – One Voice Wales has worked with Welsh Government in 2017 to develop a positive narrative for the local councils sector in advance of the 2017 elections in the form of a Local Elections Guidance document for prospective candidates. One Voice Wales supported the marketing of the 2017 elections encouraging local people to stand for election as a community or town councillor.
- Clerks need to be better equipped. Increasing the professional capacity and status of the clerk role would have enormous benefits. Clerks are the corner stone of an effective council. This inevitably means greater financial support from the Welsh Government and that this should be administered by a central body – One Voice Wales. Councils often perform best when they have access to easy to understand guidance about practical action that supports strategic agendas – for example the development guidance in 2016-17 on Youth Councils. In 2018-19 One Voice Wales will endeavour to provide additional guidance and support documents to the community and town council sector in Wales.
- Local scale plans have to be based on wide democratic engagement. They have to address immediate and locally relevant issues if they are to generate commitment and support. Whilst in principle they support wider and larger strategic aims such as resilience and sustainability, they have to be presented in an accessible and locally relevant context. With the requirement to produce Annual Reports for those councils who fall under the statutory requirements of the Wellbeing of Future Generations (Wales) Act One Voice Wales will be actively engaged in providing support for the Councils concerned.
- One Voice Wales needs more resource either in staff or the financial capacity to procure expertise that can be directed to increasing the capacity and confidence of councils to fulfil the roles described above. The review of Community and Town Councils Funding Arrangements in 2015 recognised that the organisation had a low resource base and was struggling to cope with the increasing demands being placed on it. It has become apparent in 2017-18 and in the current financial year that the demands upon One Voice Wales are increasing especially as membership has increased to over 82% of all local councils in Wales.

16. There are however several impending opportunities for overcoming the barriers and meeting the needs:-

- The implementation of the Wellbeing of Future Generations (Wales) Act by community and town councils will need to be carefully monitored to determine its impact - it presents significant challenges to the sector in terms of developing the capacity and skills needed to comply with the SD Duty requirements.
- Together with the local councils Manifesto launched in October 2015, the current Community and Town Council Review 2017-8 by Welsh

Government represents an opportunity for the Community and Town Council sector to present a vision for the future role of local councils in Wales.

- The Local Wellbeing Plans should in theory provide a structure into which Community and Town Council planning and strategy can integrate and thus complement and be supported by county and emerging regional approaches. To date there has been a very mixed level of engagement by Public Service Boards and further work will be needed to ensure greater consistency of engagement with the sector across Wales.
- The potential development of community hubs and third sector-Community and Town Council partnerships would ensure that responsibility and resources are shared. Consortia of councils, voluntary groups and social businesses present a stronger more representative structure for raising funds and taking action. In this model, Community and Town Councils can provide seed funding from reserves or precept and form the basis of applications for charitable, lottery or loan funding.
- Organisations with a specific remit such as The Federation of City Farms and Community Gardens (FCFCG), Community Energy Wales and Planning Aid Wales are able to provide practical guidance and financial support to councils and their local partners.

17. The work begun in 2015-16 on Alternative Delivery Models (albeit this has been delayed since) provides an opportunity to consider new working relationships and organisational partnerships across Wales between local councils and stakeholder organisations. For example, Community Hubs would give councillors more confidence – in this model the council works in partnership with voluntary groups and residents and gets clarity on what the people want for their community and what they expect from their council. The forum can act as a means for clarifying misunderstandings and establishing what the precept can/should be spent on and whether it should be raised to meet certain objectives.

Key strategic and operational requirements for the development of diversity of Community and Town Councillors in Wales

18. One Voice Wales very much welcomed the Cabinet Secretary's announcements at the National Conference in October 2016 to take forward an agenda of action to help build resilience and renewal in community and town councils:

- Produce a toolkit to support community councils in working through what is required in taking on new services and assets, building on experiences of the key ingredients. Work has begun on this in 2017-18 and it is anticipated this work will be completed in 2018-19.

- Press ahead with legislating for the **General Power of Competence**, shaped by the suggestions made in response to the previous Government's consultation, for innovative ambitious councils looking for more freedom to serve their communities.
- Re-energise ties between community councils and local authorities and provide a platform to share the good examples across Wales, bringing the new cadre of county and community councillors
- Facilitate the creation of **clusters** of smaller community councils, making some modest funding available to support the initial setting up of joint arrangements. The findings of the 2017-18 pilot program will assist in the future direction of such arrangements.
- Legislate to make it an obligation on councils to **consider and plan for their training needs** and review it regularly.
- Ensure citizens are kept informed and have the right to **make representations** on any business conducted at a council meeting. Learn from where this is done well and look for a legislative opportunity to strengthen current provisions.
- Commission the **Local Democracy and Boundary Commission** to draw up guidelines for local authorities to secure consistency in the manner in which community reviews are conducted.
- Support community councils to **raise awareness and encourage participation** in community council elections and to increase diversity

19. However, in order to realise the opportunities the current environment offers there are several activities that need to be progressed:

- Introduction of guidance on grouped councils, partnerships and federation arrangements isn't currently in place however it is anticipated that useful learning will be derived from the Cluster Pilots programme in 2017-18 which can be shared with local councils.
- Guidance developed for TUPE and delegated functions for community and town councils
- Introduction of an accreditation scheme – One Voice Wales will be presenting papers to the National Training and Advisory group in 2018-19 to look at how this may be taken forward within the community and town council sector. welcomes the
- One Voice Wales has begun work on the Alternative Models of Delivery with Welsh Government and this provides the vehicle to explore the development of guidance on these topics.
- The creation of a specific post in One Voice Wales to support local councils with the current 'devolution of services' agenda and transfer of assets.

- The creating of a specific post within One Voice Wales to support local councils in taking forward the Welsh Language Champions initiative.
- The development of clear guidance on the funding arrangements for delegated or devolved services/assets
- Commissioning the regular surveys of Community and Town Councils to better understand their needs and activities and the outcomes achieved for communities. Working with Welsh Government a comprehensive survey was undertaken on the asset and devolution of services in 2017-18 which will help to inform future support and developments on this topic.
- Commission research to examine possible mechanisms for directly funding Community and Town Councils to include:
 - Reviewing current practices in the funding of delegated functions
 - Procedures for the avoidance of double taxation
 - Implementation of directly funded grant schemes
 - Address the issue of concurrent functions and improve local accountability and transparency
 - Development of a programme for improvement based on the availability of community based grant scheme for community and town councils to encourage innovation and efficiencies in service provision at the very local level
- Additional financial support for One Voice Wales and /or for groups to enable the creation of new Councils in those communities currently without a local council

20. Looking Ahead: Potential Changes to Support Diversity

21. Community and town councils are facing a further and significant period of change in the coming years. Inevitably the findings of the Community and Town Council Review Panel in autumn 2018 will have implications in terms of the form and function of community and town councils in the years ahead – the 46 recommendations are by and large welcomed by One Voice Wales and will help to address barriers to greater diversity within the sector in future.

22. The power of competence

23. The draft local government bill introduces a power of competence for all local authorities and for community councils that have declared themselves “councils with competence” having met the following criteria:

- Two thirds of members having been elected;
- The Clerk holds a relevant professional qualification;
- Having unqualified accounts for the relevant period.

24. The timing of these changes will depend on the passage of the bill when introduced but will affect councils in the period after the 2017 election. One Voice Wales already collaborates with the Auditor General in relation to finance and governance matters affecting the sector; and improvements have been seen, although there is still progress to be made. Welsh Government

already works in partnership with the SLCC and OVW in relation to training for clerks. However, only a relatively small number of Clerks hold the Certificate in Local Council Administration (CiLCA) qualification. Further, information collated by the Local Democracy and Boundary Commission for Wales indicates that more than two-thirds of councillors elected in May 2012 were returned without a contest – around 5000 individuals – and that over 1000 seats remained vacant after the elections, to be filled by co-option. The percentage of contested seats varies greatly according to council – just over 10% in Blaenau Gwent and 75% in Torfaen. Therefore substantial efforts will be required if a majority of councils are to achieve these criteria in future.

25. Delegation of services

26. The UK government's austerity agenda means that unitary authorities are in the position of having to consider cutting services or transferring them to other bodies. The strong message from the focus group meetings held with councils in the course of the recent consultation in relation to the Community and Town Council Review Panel review was that the delegation of services was the most pressing and most important issue facing councils at the present time. A number of councils are in discussion with local authorities regarding the transfer of services from April onwards. One Voice Wales is already involved in policy discussions on asset transfer and delegation of services but there is still considerable work required in order for community and town councils to be in a position to take on services.

- Welsh Government and One Voice Wales ongoing work with the community and town council sector will need to include the following priorities:
- In collaboration with WLGA, WCVA, National Assets group, local authorities and other partners, supporting councils in responding to the delegation of services agenda;
- In collaboration with the Future Generation Commissioner for Wales office and organisations such as Cynnal Cymru, supporting larger councils with the requirements of the Wellbeing and Future Generations Act;
- Developing a policy position on the principles which should underpin the forthcoming LDBCW reviews of council areas;
- In collaboration with the Auditor General for Wales, identifying councils which are likely to need targeted support to enable them to comply with audit requirements;
- In collaboration with the SLCC developing an appropriate training / assessment programme for Clerks;
- In collaboration with relevant experts e.g. Participation Cymru; e.g. WCVA e.g. Electoral Commission Wales develop an action plan for increasing local interest in forthcoming community and town council elections;
- Continue to provide training, advice and support to councils to enable them to conduct business effectively. In collaboration with Planning Aid Wales

continue to improve councils' ability to engage effectively with the planning process and the development of Place Plans as appropriate.

27. Nominations for elections

28. The National Assembly be informed that the Council considers that diversity in democracy could be improved by simplifying the process for candidates to submit their nominations for elections to include the introduction of a mobile app to complete and submit nomination forms and the requirement for candidates to hand deliver their nomination forms for prior checking by Elections Officers be removed as this can restrict those working full-time from visiting the designated officer during work time.

29. Working with Employer Organisations

30. One Voice Wales members feel that the number of days needed to attend council meetings and undertake council duties should be extended with companies/organisations being compensated for supporting their staff to carry out this important community function. There also needs to be additional understanding of what the role entails for those companies/organisations to understand the benefits.

31. Local Democracy on School Curriculums

32. One Voice Wales members consider more could be done to enable children to understand how local democracy works and how best they can engage with it. The Local Government (Wales) Measure 2011 introduced the ability of Community and Town Councils to establish youth councils and co-opt up to two youth council members onto the Council – this has resulted in a number of community and town councils developing such arrangements which enables younger people to become engaged with local democratic structures.