



# **The good councillor's guide**

For Community and Town Councillors

First Published: 10 June 2022

Last updated: 10 June 2022

# Acknowledgements

This guide is an introduction to being a community or town councillor. It is not intended to be a definitive legal guide and should not be relied on, or used, as a substitute for legal advice. The first edition, published in October 2004, was researched and written by Elisabeth Skinner, Laurie Howes and James Derounian of the University of Gloucestershire for the Welsh Assembly Government. It was based on the English version of the guide, published in 2003, and funded by the Countryside Agency. In 2004, the advisory panel included representatives of the Welsh Assembly Government, One Voice Wales, the Society of Local Council Clerks, the Audit Commission, the Commission for Local Administration in Wales and local authority Monitoring Officers. The second edition (2012) and the third edition (2017) were updated by Elisabeth Skinner formerly of the School of Natural and Social Sciences at the University of Gloucestershire with support from the Welsh Government, One Voice Wales and the Society of Local Council Clerks. This fourth edition (2022) was updated by Elisabeth Skinner with support from Mark Galbraith, Clerk of Llanelli Rural Council.

The contents do not necessarily reflect the views of the individual bodies represented on the advisory panel.

The information contained in the guide represents what is known at the time of writing (Spring 2022). Readers are advised to check the progress of government policies and legislation regularly as a matter of good practice. Good councillors make sure that they keep up to date with changes affecting the work of the council.

Words in bold throughout the text are explained in a glossary at the back of the guide. Electronic copies of the guide are available from the following websites: the Welsh Government ([gov.wales](https://www.gov.wales)), SLCC ([www.slcc.co.uk](http://www.slcc.co.uk)), and One Voice Wales ([www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)).

© 2022 Extracts from this publication may be made subject to the source being acknowledged

# Foreword

## From the Welsh Government Minister for Finance and Local Government, Rebecca Evans MS

This guide is for all community and town councillors, but particularly those who have recently been elected or co-opted to a council.

Thank you all for taking on the valuable role of local councillor, and the responsibility that comes with it.

This is an exciting and challenging time for community and town councillors, with additional powers and duties enacted through the Local Government and Elections (Wales) Act 2021. I value the unique role that community and town councils can play in supporting communities at neighbourhood-level. I am particularly grateful to all of you who have energetically supported efforts to help their communities during the pandemic. I know your communities are grateful too.

Community and town councils are responsible to their local electorates for delivering a wide range of services and for the provision and upkeep of local amenities. You also represent the interests of individual members of the public and your wider community.

The work of a councillor can be diverse and complex, but also very rewarding. This guide outlines the roles, duties and responsibilities of a community and town councillor. This is the start of a continuous learning process; your clerk and chair will be able to discuss the additional training available. You will also want to familiarise yourself with your council's responsibilities and its standing orders.

As you carry out your role, gaining knowledge and experience, you will have the personal satisfaction of knowing you have made a positive difference to your community.

I sincerely hope that you enjoy the many challenges and rewards of being a councillor.

**Rebecca Evans MS** Minister for Finance and Local Government

# Contents

<b>Introduction</b> .....	<b>5</b>
<b>Part one: Where are you heading?</b> .....	<b>6</b>
1..... Councillors	6
2..... The council	7
3. Your community .....	10
<b>Part two: Due care and attention</b> .....	<b>13</b>
4. The Rules.....	13
5. Rules for Councillors .....	18
6. Rules for Employers .....	22
7. Rules for Dealing with Public Money.....	23
<b>Part three: Getting Under Way</b> .....	<b>28</b>
8. Meetings.....	28
9. Being Prepared .....	31
10. At the Meeting .....	32
11. After the Meeting .....	34
<b>Part four: Delivering the Goods</b> .....	<b>36</b>
12. Services.....	36
13. Making a Plan.....	37
14. Town and Country Planning.....	39
15. The Active Community Council.....	42
<b>Part five: The Toolbox</b> .....	<b>45</b>
16. Hazards.....	45
17. Important Documents .....	46
18. Sources of Advice.....	47

# Introduction

This guide introduces the work of community and town councils and the part you play as a councillor in the first tier of local government and closest to the public. You will also find it a useful reference. The guide is divided into five parts to help you find your way as a new, or even as an experienced, councillor.

## Part one: Where are you heading?

Part One introduces what you can do as a councillor and what your community or town council can achieve. It points you in the right direction so that you can serve and represent your community.

## Part two: Due care and attention

Here the rules of what you must, or must not do, as a council, councillor, employer and financial manager are outlined. If you and your council understand the law, then you can act with confidence.

## Part three: Getting under way

What happens at council meetings? Decisions taken at meetings drive the actions of the council and the best meetings are productive, professional – and never too long!

## Part four: Delivering the goods

This is about action for local people. Partnership working and the council's representative role is examined in this section; the delivery of services and your council's role in the town and country planning system are reviewed and a belief in active councils is stressed.

## Part five: The toolbox

Finally you will find helpful ideas for your councillor's toolbox including danger areas, useful publications, documents and contacts for advice. The index provides a quick reference when you need to know something in a hurry. Words in bold throughout the text (the first time you meet them) are explained in the glossary.

# Part one: Where are you heading?

## 1. Councillors

You are a councillor; you are over 18 and a British national, or a qualifying citizen from any other country. You are not a paid employee of the council. If you were a council employee when you were elected, you effectively resigned as soon as you made your declaration of acceptance of office.

You are one of approximately 8,000 community and town councillors in Wales. You will be held accountable by local people for things that happen locally; so why do you get involved? You almost certainly want to do something positive and, like most councillors, you hope to make a difference by influencing decisions that affect your community.

Did you stand for election? Was there a vote, or were you returned unopposed? Perhaps you were co-opted; co-option is where the council chooses who will fill the vacant seats if there are not enough candidates at election time. In addition, if a vacancy occurs between elections, the council must find out if the electors want an election before they can co-opt. Some councillors represent a political party and others are independent of party affiliations. Whichever route you take to becoming a councillor, once you formally accept the office, it makes no difference;

you are councillors working together to serve your community. Your task is to bring local issues to the attention of the council, and help it make decisions on behalf of the local community.

The Independent Remuneration Panel for Wales (the Panel) is the independent body which produces a report every year setting out the payments that may be made to a councillor. This includes a mandated basic payment of £150 per year as a contribution to costs and expenses for members of all community and town councils.

In addition to this basic payment, you may be entitled to claim further allowances including:

- contributions towards costs of care and personal assistance;
- travel and subsistence costs for attending approved duties both within and outside the area of the council; and
- compensation for financial loss

The Panel also determined that community and town councils may make payments of up to £500 a year for up to five councillors with specific responsibilities. The rules here are slightly different for larger and smaller councils. In addition to these allowances, councils may also pay an additional allowance to the chair and deputy chair.

With the exception of the basic payment, it is up to the town or community council to make the formal decision regarding whether to make these payments and if so, how much to pay. However, the amounts that councils can pay for these allowances are subject to limits determined by the Panel. It is extremely important to obtain prior approval before incurring expenditure and to retain receipts to support claims for expenses as appropriate.

Councillors should receive the allowances that they are properly entitled to as a matter of course and cannot 'opt-in' to receive them. Individual councillors may decline to receive part, or all, of the payments if they so wish. This must be done in writing to the council's proper officer. Councillors should also note that, except for reimbursed expenses, the allowances paid are usually subject to income tax.

## **2. The council**

Your council is a corporate body with a legal existence of its own quite separate from that of its members. Its decisions are the responsibility of the whole body. The council has been granted powers by Parliament or the Senedd Cymru (Welsh Parliament), including the right to raise money through taxation (the precept) and a range of powers to spend public money (more later).

There are over 730 community and town councils in Wales. The Local Government Act 1972 divided the whole of Wales into 'communities'. However, the former boroughs of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda and Swansea were not included in provisions establishing community councils. As a result, some urban areas in South Wales do not have any community or town councils.

New councils are occasionally created and the Welsh Government actively encourages community and town councils to cluster together so that they can deliver more services for their communities.

A typical community council represents around 1500 people but the largest population served by a town council is Barry with over 50,000. These considerable differences are reflected in annual spending which might range from under £1,000 to over two million pounds. It is important that you know how much your council spends each year and where the money goes.

Your council is an elected tier of local government. The other tier in Wales consists of county or county borough councils. County or county borough councils have a legal duty to deliver services such as education, town and country planning, environmental health and social services. Community and town councils have the legal power to take action, but they have fewer duties and greater freedom to choose what action to take.

They can play a vital part in representing the interests of their communities and influencing other decision makers. Furthermore they can take action to improve the quality of life for local people and their local environment and, in some cases, they can deliver services to meet local needs. It is important that you, as a community and town councillor, work closely with the county councillors representing your area to benefit your community. You and your council can make a difference.

### **What does your council do?**

Planning, highways, traffic, community safety, housing, street lighting, allotments, cemeteries, playing fields, community centres, litter, war memorials, seats and shelters, rights of way – these are some of the issues that concern community and town councils. The policy makers strongly encourage community and town councils to deliver more services and play a greater part in their communities.

Furthermore, in a difficult financial environment, county and county borough councils seek to transfer community-based assets such as parks and play areas, public conveniences and allotments to community councils. Local councils should welcome the opportunity to protect such assets to meet the specific needs of their communities.

As examples your council could organise or give financial support for:

- an evening bus taking young people to the nearest town;
- a housing needs survey;
- pond clearing events;
- redecorating the community centre;
- a teenagers' drop-in club;
- restoring a bandstand;
- equipment for the playgroup;
- transport to hospital.

Of course, your council could always decide to do very little; but you and your electors might then wonder why the community or town council should exist at all.

Each council can make a unique response to the needs of their community with a sensitivity that is more difficult for county and county borough councils to achieve.

## **Pulling together**

Councillors have different enthusiasms and interests, so celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are very practical; some like accounts while others prefer reports. The community or town council needs a range of skilled people to work as a team.

Your chair has the roles of team leader and umpire at meetings (see Part Three). Some councils appoint a separate council leader but this party political role has no status in law. The clerk provides advice and administrative support, and takes action to implement council decisions. The clerk may have to act as a project manager,

personnel director, public relations officer or finance administrator. The clerk is not just a secretary and is not at the beck and call of the chair or other councillors; the clerk is answerable only to the council as a whole. The clerk is the **proper officer** of the council in law. Legally councils can agree to delegate decisions to clerks because they are professional officers whose independence allows them to act on behalf of the council. Clearly the clerk must be treated with respect.

The best councils will have a clerk and councillors who work as a team to serve the community.

### **3. Your community**

The job of your council is to represent the interests of the whole community – and to represent the interests of different parts of the community equally. Occasionally there will be a conflict of interest requiring sensitive judgement; for example, dog owners, parents of young children and walkers might disagree about use of the village green. Making difficult decisions, in an open and reasoned way, is something that community and town councils need to do well.

Local people, including the younger population, need to understand and appreciate the councillor's role; this means that councillors should promote their role in the local community and find people eager to succeed them in their council activity. It is a good idea to set up, and fund, a youth council or committee of young people, to show that you are keen to listen to young people's views. A few councils have taken up the offer in The Local Government (Wales) Measure 2011 ss118-121, making it possible for a community council to appoint up to two youth representatives (aged 16 to 25) to participate in the work of the council to look after the interests of young people who live, work or receive education or training in the area.

As a councillor, you have a responsibility to be well-informed, especially about diverse local views. You cannot assume that you represent the interests of all your electors without consulting them. Discovering the needs of different groups in the community (such as ethnic minorities, young, elderly and disabled people) is an important part of your role as councillor.

The tried and tested tools noted below are just some ways in which people can express their hopes and wishes for the community.

They provide valuable opportunities for local people to identify features that need improving or are worth protecting. They stimulate discussion and inform the decision makers and usually lead to action. They give people the skills and confidence they need to participate in opportunities for influencing community action and they therefore help build the ‘capacity’ of a local community. Finally, they enable the local community to contribute to initiatives such as **Local Well-being Plans, Place Plans** and other community-led plans. For further advice and information on these techniques, do consult One Voice Wales.

**Community surveys** are based on questionnaires through which residents, including children, have an opportunity to express their views about where they live. Several thousand such surveys have been conducted across the UK since the 1970s. The response rate from households is impressive – usually over 50% – and in smaller communities it can reach 90%.

**Design statements** involve communities in a review of the built and natural environment of their area. The published results can be used by your local planning authority to help them make planning decisions (see Part Four).

**A community map** can be a creative exercise; for example, it might be a painting, tapestry or model of the community. People identify local features that matter to them as they work on the map.

**Planning for Real®** is a consultation exercise, where people create a simple model of the community (or part of it) and use it to generate discussion and set priorities.

**Community conferences** or workshops provide more opportunities for bringing people together to talk about the future of the community.

In addition to helping your council identify real improvements, the process of using tools like these can strengthen people’s sense of purpose and belonging. The process is as important as the end product.

You should, of course, use the knowledge you already have as a basis for making decisions on behalf of your community, but these tools help you to become even better informed and give a stronger mandate for action.

Community consultations can help you to:

- speak on behalf of your community with greater confidence especially in discussions with county and county borough councils;
- provide services and facilities, especially where there is no other provider or where the community or town council can secure better value for money;
- support community action and services provided by others; the council can offer buildings, staff expertise and funding to get local projects off the ground;
- work in partnership with community groups, voluntary organisations, county or county borough councils, the business sector and neighbouring community and town councils, to benefit the community. The county or county borough council and the community or town council should complement each other.

For many people, it is the satisfaction of acting on behalf of their local community that encourages them to become councillors. The next challenge is to make sure that the council acts properly in achieving what it sets out to do. It must proceed with due care and attention to the law. **Part Two** introduces the rules that guide your council – not as glamorous as action, but vital to its success.

## Part two: Due care and attention

### 4. The Rules

What can you do? What must you do? What must you not do? The rules may not be exciting, but without understanding them your council could run into trouble.

- A council must do what the law requires it to do.
- A council may do only what the law says it may do.
- A council must not do anything unless it has a legal power to act.

The crucial question is – does the council have a legal power to act? A council must always ask this question when making a decision, especially if it involves spending public money. A community or town council can undertake an activity only when a specific Act of Parliament, or a Measure or Act of the Senedd Cymru (Welsh Parliament), allows it. For example, the Local Government (Miscellaneous Provisions) Act, 1976, section 19, gives local authorities (including community and town councils) the power to spend money on recreation. There is a useful list of activities and specific legal powers in Part Five. If the council acts without a legal power (even if it would be popular with the community), or if it uses the wrong power to act, then the council could be charged with acting beyond its powers (*ultra vires* is the legal term). Being caught ‘powerless’ is an unnecessary risk but there are lots of sources of advice. Start by asking your clerk, whose job includes giving advice on the law to the community or town council. Your clerk should have access to **One Voice Wales** (if your Council is a member) and the **Society of Local Council Clerks** for expert advice on more complex legal matters.

There are very few activities that a community council cannot undertake; the trick is to ensure that there is a legal power for every action of the council. The most useful power is the general power of competence which means that qualifying councils can do anything that an individual generally may do (s. 24, Local Government & Elections (Wales) Act 2021 (‘the 2021 Act’)). This means that a council can trade or support the local economy; it can give grants to individuals or fund projects outside the community

(even outside Wales). The general power of competence is not available to all councils but only to those that qualify by meeting the three eligibility criteria:

- Two thirds of councillors declared elected (i.e not co-opted)
- A qualified clerk (qualifications specified in regulations)
- The two most recent audits were declared unqualified by the auditor.

If the council cannot use the general power of competence, it must look for specific powers confirming that it can act. If a specific power can't be found, then it should consider Section 137 (Local Government Act 1972). Section 137 gives a community council the power to do anything that will benefit the community (or part of it) where there is no other specific power covering the action. If another statute prevents a council from incurring expenditure or limits the amount that may be spent, section 137 cannot be used to overrule that legislation (nor can the general power of competence). Under section 137, your council can spend up to a set figure annually per elector. In 2021/22 this is £8.41 (rising annually with inflation) on anything it considers worthwhile if (and only if) no other power can be used. The expenditure under this power must be commensurate with the benefit to the community; this means that there must be a match between the level of money spent and the scale of benefit to local people.

The well-being power under section 2 of the Local Government Act 2000 was repealed by the 2021 Act on 5 May 2022. However, anything started by a community council using this power prior to it's repeal may continue until it has been completed but nothing new may begin. Under section 30 of the 2021 Act, if a community council resolves to become an eligible community council then it will be able to rely on the general power of competence under section 24 of the 2021 Act instead.

## **So what must you do as a council?**

The law gives community and town councils lots of choice in activities to undertake; but surprisingly there are very few duties, activities that they must carry out in delivering services to local people. Exceptions are that a council must:

- publish an annual report about council priorities, activities and achievements

- publish a training plan setting out the training needs of councillors and staff
- take reasonable steps towards meeting the objectives in the local well-being plan that has effect in its area. However, it is only subject to this duty if its gross income or expenditure was at least £200,000 for each of the three financial years preceding the year in which the local well-being plan is published. If it is subject to this duty then it must publish an annual report to show its progress towards meeting the objectives contained in the local well-being plan (section 40 of the Well-being of Future Generations (Wales) Act 2015);
- provide allotments if the council considers that there is demand for them from local residents and it is reasonable to do so;
- comply with its obligations under the Freedom of Information Act 2000 and the Data Protection Act 2018;
- comply with employment law;
- consider the impact of their decisions on reducing crime and disorder in their area;
- seek to maintain and enhance biodiversity in carrying out their functions and publish a plan every three years setting out what they propose to do to achieve this (section 6 of the Environment (Wales) Act 2016).

In accordance with section 19 of the Freedom of Information Act 2000 and the principle of open government, each community or town council must have a **publication scheme** in place. This demonstrates what information is available from the council and how it can be accessed by the public.

A risk assessment is one of the financial documents covered by the model scheme. This means that all councils have an obligation to demonstrate that they have identified and managed the risks to public money arising from their work. A community or town council must also comply with its obligations under the Data Protection Act 2018 and the General Data Protection Regulation 2016.

The community council also has a duty to ensure that all the rules for the administration of the council are followed. The council must:

- appoint a chair of council;
- appoint officers as appropriate for carrying out its functions;
- appoint a responsible financial officer (RFO) to manage the council's financial affairs; the RFO is often the clerk, especially in smaller councils;
- appoint an independent and competent internal auditor (see below);
- ensure that meetings are arranged to enable people to attend who are not in the same place (multi-locations);
- keep records of all decisions related to council business (the minutes);
- hold an Annual Meeting of the Council in May or shortly after the local council elections.

These rules are set out in law to control the **procedures** of the council and your council can add its own regulations. Together these rules make up standing orders as formally agreed by your council (see Part Three). If you discover that your council does not have its own (non-financial) standing orders, this is not unlawful but it is unwise, and duties set out in **statute**, such as appointing a chair and a proper officer (usually the clerk), still apply. One Voice Wales (see Part Five) provides model standing orders. Your council must have standing orders with respect to contracts for the supply of goods and materials or the execution of works (s135, Local Government Act 1972).

Council meetings must be open to the public, whilst disability legislation requires the council to make its meetings accessible to anyone who wishes to attend. From 5 May 2022, members of the public who attend must be given a reasonable opportunity by the person presiding over the meeting to

make representations to the council about any business to be discussed, unless this is likely to prejudice the effective conduct of the meeting (paragraph 27A, Part 4 of Schedule 12 to the Local Government Act 1972 as inserted by section 48 of the 2021 Act).

The Freedom of Information Act 2000 requires the council to make documents available to the public in the spirit of open government. A model publication scheme is available from the Information Commissioner. The Local Government (Democracy) (Wales) Act 2013 and the 2021 Act require all community and town councils to make certain information available electronically. Statutory guidance on this is set out in: Access to Information on Community and Town Councils and Chapter 6 of The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils.

If you are beginning to think there are too many rules, then remember that they protect people's rights (including yours) and give confidence that the organisation is properly run.

## **The Welsh Language**

The Welsh Language (Wales) Measure 2011 enshrines in law the official status of the Welsh language in Wales. It sets out the general principles that the Welsh language should not be treated any less favourably than the English language and that people in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so. It is just one of a number of ways in which the Welsh Government is committed to achieving a million Welsh speakers by 2050.

The 2011 Measure creates the role of the Welsh Language Commissioner whose aim is to promote and facilitate use of the Welsh language. The Measure and related regulations set standards for when and how public bodies must use Welsh, for example when dealing with the public, providing services, making policy decisions, recruiting staff, dealing with employees and keeping records. The Commissioner's role is to impose and enforce the regulations although there is a right of appeal. The Welsh Government has yet to make regulations for

community councils and Welsh language schemes remain in force until the regulations are made.

Your council is expected to treat the Welsh language reasonably and proportionally in its dealings with the public. This can affect meetings, correspondence, telephone calls, local signs, published documents, grant-making policies, tenders, contracts, notices and websites. You may find it helpful to find out what standards your county or county borough council has. If your council has a part to play in meeting the objectives in the local well-being plan, then it may consider how to help achieve 'vibrant culture and thriving Welsh language'.

## **5. Rules for Councillors**

Even if you are qualified to stand as a councillor and the elections were properly held, you cannot act as a councillor until you have signed a formal declaration of acceptance of office. This includes an undertaking to observe the code of conduct adopted by your council (see below).

You have a duty to act properly as a councillor. In particular, you have a responsibility to:

- attend community or town council meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend;
- prepare for meetings by studying the agenda and any accompanying documents, making sure you are properly informed about issues to be discussed, taking advice where appropriate;
- take part in meetings and form objective judgements based on what is best for the community – and then to abide by majority decisions;
- ensure, with other councillors, that the council is properly managed;
- act on behalf of the whole electorate equally, and not just those who supported your election campaign; similarly take an interest in all issues equally and not just those local issues for which you campaigned; listen,

and then represent the views of the community when discussing council business and working with outside bodies;

- maintain proper standards of behaviour as an elected representative of the people.

## **The code of conduct**

The code of conduct adopted by your council is a legal document that guides you, to make sure you maintain proper standards of behaviour as a councillor. When you sign your 'declaration of acceptance of office' you also agree to observe the code. The code is based on these important principles laid down by the Senedd Cymru (Welsh Parliament):

- selflessness;
- honesty;
- integrity and propriety;
- a duty to uphold the law;
- stewardship;
- objectivity in decision making;
- equality and respect;
- openness;
- accountability;
- leadership.

The essence of the code is that you agree to act openly and honourably in the public interest. You never use your position improperly to secure personal advantage or to avoid disadvantage for yourself, or any other person. You should never bring yourself, as a member of the council, or the council itself into disrepute. The code also reminds you that you must:

- show due regard for the principle of equality;

- show respect and consideration for others;
- not use bullying behaviour or harass another person;
- not compromise the impartiality of your council staff;
- not disclose confidential information;
- not prevent access to information to which someone is lawfully entitled;
- not bring your office or authority into disrepute;
- report possible criminal behaviour by another member or member of staff;
- report possible breaches of the code by another member to the Monitoring Officer at the county or county borough council; note that One Voice Wales publishes a Model Resolution Process to help address problems that arise;
- not make vexatious, malicious or frivolous complaints against other members or employees of your council;
- co-operate with investigations;
- not use your position improperly to secure personal advantage or disadvantage for anyone;
- not use council resources improperly including for political or private purposes;
- make decisions on the merits of the case and in the public interest with regard to the advice of officers;
- abide by the rules on allowances and expenses;
- avoid accepting unofficial gifts, hospitality and other benefits and services.

As a councillor, you must declare a personal interest as soon as you are aware that you (or people close to you) might benefit, more than most other people in the community, from the outcome of a matter under discussion. At the start of a meeting, you also declare your interests in any matter on the agenda. The council must be seen to make decisions fairly and openly, without having prejudiced the matter. If a member of the public might reasonably think your judgement on an

issue will be influenced, or prejudiced, by your personal interest, then you must declare a **prejudicial interest**.

This applies whether it is a council, committee or sub-committee meeting, or another meeting where members or officers of the authority are present. It helps if the agenda gives councillors an opportunity to declare an interest early in a meeting. You must also declare an interest at any point during a meeting if an interest that you had not anticipated becomes apparent.

In nearly all cases, if you have a prejudicial interest you must withdraw from the meeting whilst the matter giving rise to the interest is being considered, unless granted a dispensation by the Standards Committee of the county or county borough authority. The code makes clear some instances where a personal interest is not prejudicial, for example where the matter relates to:

- another relevant authority of which you are a member;
- another public authority or body where you are in a position of general control or management;
- a body to which you have been elected, appointed or nominated by your council.

Personal interests include your employment, landholdings in the community you serve, family and business interests, and your membership and positions of control (such as treasurer) in other organisations. Personal interests disclosed at meetings for the first time must be registered in writing with the clerk to your council within the time limit; it therefore helps (but is not compulsory) if you complete your register of interests at the start of your term as councillor. Registered interests must be kept up-to-date and should be published online. Gifts and hospitality received in your capacity as a councillor must also be registered.

Monitoring Officers may give advice on request but the basic responsibility for complying with the code, and in particular for deciding whether to declare an interest, rests with you. In deciding whether you have a personal interest, you must have regard to any advice from the relevant Standards Committee. You must read your council's code of conduct carefully, as this is only a summary.

If you reasonably believe that another councillor has failed to comply with the code of conduct, you have a duty to report this failure to the relevant local authority Monitoring Officer. The Monitoring Officer will advise whether the potential breach should be reported to the **Public Services Ombudsman for Wales**. Regardless of the Monitoring Officer's view, a councillor can report a potential breach to the Ombudsman, but the Ombudsman will expect you to have evidence of the breach. The Ombudsman will then decide whether to investigate. It is a breach of the code of conduct to make a complaint which is vexatious, malicious or frivolous.

Guidance published by the Public Services Ombudsman to assist you in understanding your obligations under the code is essential reading (see Chapter 18). Remember, the code protects your electors, your council and you as a councillor.

## **6. Rules for Employers**

Rules also protect your council's employees and your council as an employer. This is a considerable responsibility; misunderstandings can sometimes arise between a council and its employees. The law requires that at all times the council must act as a responsible employer.

Remember, the clerk is employed by the council and answers to the council as a whole. This means that individual councillors cannot instruct the clerk. All other staff, although employed by the council, normally answer directly to the clerk who is their manager and responsible for their performance. These principles should build on mutual respect and consideration between employee and employer and on a proper understanding of different roles (see Part One).

It is most important for the council to ensure that all staff have a contract of employment incorporating terms and conditions and supported by appropriate employment policies. Clerks should be paid (as a minimum) according to the recommendations agreed by the **National Association of Local Councils** and the Society of Local Council Clerks. But note, when councillors occasionally act as clerk, they cannot be paid.

Council employees enjoy the full security of the law whether they are full-time or part-time workers. Employment law protects them, for example, in terms of pension

rights, annual leave, sick leave and pay. It guards against bullying or harassment and discrimination. An agreed grievance procedure ensures that problems are handled properly if they occur. Health and Safety law also protects employees (and councillors and members of the public); your clerk should be able to advise on such matters. For more information on the council's role as an employer, see *Being a Good Employer* (details in Part Five).

Employment law is a complex area and councils need to ensure that they have a good grasp of their main employer responsibilities. One Voice Wales offers two training modules in relation to the council as an employer. The first examines core elements of the employer role and the second goes into more depth about practical aspects of effective staff management. The penalties for failing to comply with employment law can be significant especially having regard to the level of awards that can be made by Employment Tribunals in cases where a council has failed to meet its responsibilities. One Voice Wales is able to offer a consultancy service to councils who may need specific assistance in dealing with identified employment issues.

## **7. Rules for Dealing with Public Money**

It is essential that the council is seen to provide value for money and is constantly looking for ways of improving its performance in achieving the three Es: economy, efficiency and effectiveness. The council's financial rules, controls, procedures and statutory regulations protect the council. Most importantly the rules give your council the tools it needs to achieve its goals and make best use of public money.

Being financially responsible for a public body can be daunting. The rules set by Government are designed to make sure that the council manages risks with public money (see *Accounts and Audit (Wales) Regulations 2014*). The words risk management should be engraved upon every councillor's heart. The good news is that the rules help to protect you and your council from possible disaster. Your council should establish a risk management scheme which highlights every significant risk in terms of the council's activities and makes clear how such risks will be managed. This includes investing in proper insurance to protect employees, buildings, cash and members of the public. Your council should ensure that it has

legal expenses cover within the policy. Remember that playgrounds and sports facilities must be subject to regular checks that are properly recorded. It's not just about money, it's about taking care of people.

As a councillor, you share responsibility for financial management of the council, but the finances are administered by an officer known, in law, as the **responsible financial officer** (RFO). Your role is to ensure that the RFO acts properly and that the council avoids the risk of fraud, bad debts or carelessness. You may be asked to sign cheques for payments on behalf of the council. Local councils now have more payment choices at their disposal including electronic payments such as BACs transfer. You may be asked to countersign a BACs authorisation sheet along with another member in place of signing cheques. You must always make sure the request is appropriate and correct. You must never sign a blank cheque or a BACS authorisation without ensuring the payment is for a legitimate purpose.

Your council has its own financial regulations (similar to standing orders) giving details of how the council manages its finances. Model financial regulations are available from One Voice Wales. If your council has not adopted financial regulations then there could be trouble ahead and your council must take action as a matter of urgency.

So the council must have in place a sound system of **internal control**. The level of internal control should be appropriate to your council's expenditure and activity; councils providing a wider range of services will need more comprehensive checks and balances than less busy councils.

Internal controls may involve authorisation processes and/or separation of duties. Members may be involved where a committee keeps an eye on the arrangements for financial management and checks financial documents selected at random including procedures for receiving money, making payments and recording financial transactions. This task is usually undertaken by councillors with a good grasp of financial documentation. The findings should be reported to the council, and together with regular feedback from the RFO on the accounts, all councillors will be aware of the council's financial position. This ensures everything is open and above

board and you have the information you need. Remember, every councillor is accountable for the council's finances.

The **budget** is an essential tool for controlling the council's finances (Local Government Finance Act 1992 s50). It demonstrates that your council has sufficient income to carry out its activities and policies. The budget must be prepared in advance, as it is used to set the precept for the year. By checking spending against budget plans on a regular basis at council meetings, the council controls its finances and monitors progress towards what it wants to achieve.

The council must adopt transparent **procurement procedures**. This is the process by which the council purchases services and goods. It means that the council must obtain tenders as appropriate (the clerk will advise) and treat those tenders with absolute fairness. It also means setting up proper contracts with providers of services or goods. The council must, by law, have a standing order that sets out the process for determining contracts.

## **Internal and External Audits**

Although it is not a legal requirement, the internal auditor should be an independent and competent person appointed by the council to carry out checks on its system of control. A formal letter of engagement to the internal auditor is essential. The independent internal auditor cannot be involved in any other business of the council, including preparing the accounts or maintaining the accounting records. This also means that the internal auditor cannot be a serving member of the council. Another clerk or an accountant could be suitable (but reciprocal arrangements between councils are not appropriate). The internal auditor carries out tests focusing on areas of risk to public money, reports to the council and may complete a report on the annual return to confirm that the council's system of controls

is in place and operating. 'Governance and Accountability for Local Councils in Wales: A Practitioner's Guide (latest edition), published by One Voice Wales and the SLCC, sets out an effective approach to internal audit. The Council should receive an annual report from its internal auditor.

The law also requires that councils submit their annual accounts to the Auditor General. For most councils the accounts are in the form of an annual return. The Auditor General makes arrangements for the audit to be undertaken by auditors from the Wales Audit Office. The external audit is a check that accounting statements have been properly prepared and the council has complied with its statutory responsibilities in relation to financial management. Each year external auditors also ask to examine evidence related to a specific theme such as budget monitoring or the appointment of an internal auditor. Once in every three years, the auditor will take a more detailed approach and test transactions.

The annual return is the principal means by which the council is accountable to its electorate and most councils must complete an annual return to confirm that everything is in order. Signed statements confirm responsibility for governance arrangements during the year. In particular, they show that:

- the accounts have been properly prepared and approved;
- a system of internal control is in place - including the appointment of a competent and independent internal auditor – and the effectiveness of both the system and the appointment has been reviewed;
- the council has taken reasonable steps to comply with the law;
- the council has assessed all possible risks to public money;
- the accounts have been publicised for general inspection so that electors' rights can be exercised;
- there are no potentially damaging or hidden issues such as an impending claim against the council;
- significant differences in the figures (between the current and the previous year) have been explained.

As a member of the council, you have responsibility for making sure that the annual return accurately represents the financial management of the council. Your clerk will provide advice and assurance on this.

If you and your fellow councillors have acted properly leading up to the external audit then the Auditor General issues an unqualified audit opinion and certificate. This means that the auditor has seen nothing in the documents giving cause for concern that the council has failed to meet its statutory responsibilities.

# Part three: Getting Under Way

## 8. Meetings

Councils conduct their business through meetings. This is where you play your part as a decision maker. The chair is in charge, and the clerk (or perhaps a deputy) supports the council as it discusses business. The meeting is the council team in action.

Council meetings are formal events, not social occasions. They have a clear purpose – to make decisions following appropriate, focused debate. Furthermore, they are public events; the press and public have a right to observe how the council operates. Exceptions are when sensitive issues are discussed (such as legal, contractual or personnel matters) and then the council can agree to exclude the press and public for just those items.

From May 2022, a community council must make and publish arrangements for convening meetings, which allows – but not requires – participants to be in multiple locations. The minimum requirement is that members are able to hear and be heard by others. From May 2022, public participation is required. This does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity to make representations about business to be discussed.

The council usually makes its decisions in council, committee and sub-committee meetings. Council, committee and sub-committee meetings must all be advertised and open to the press and public. The council should decide on a schedule of meetings for the year.

- Council meetings are meetings of the full council. All councillors should attend.
- Committee meetings bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.
- Some committees are permanent or standing committees, but others are set up for short-term projects. Many councils have a permanent

Planning Committee allowing them to comment on planning applications once every two to three weeks without convening a full council meeting.

- Some committees are advisory; they make recommendations to the full council, which then makes the decisions. There are also executive committees where the full council delegates (or hands over) the power to make certain decisions to the committee. The committee then reports its decisions to the full council. This helps the Planning Committee to make decisions without referring to the full council.
- Sub-committees are appointed by a committee to focus discussion on a specific topic among an even smaller group of councillors. Otherwise, they operate like committees.
- Working parties, or 'task and finish groups', are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public but should not be used to avoid public access to meetings. A working party cannot make a decision on behalf of the council.
- Sometimes non-councillors can join a committee or sub-committee (although with a few exceptions, they cannot vote). This is an excellent means of involving others, particularly young people, in council work.

## **Annual meetings**

If you are elected in May your first meeting will be the Annual Meeting of the Council. This is where you elect a chair and probably a vice-chair, and appoint committee members and representatives to other bodies. It helps to think of this as the Annual General Meeting and to remember that it is a meeting of the council.

There is no requirement to hold an Annual Community or Town Meeting but a community or town meeting can be called at any time. This is not a council meeting. It is a meeting of the community or town electors called to discuss community or town affairs. The meeting can be called by the chair of the community or town council or by two other councillors or by the lesser of 10% or

50 electors for the community. A community or town meeting would be a good opportunity to consult your electors on their ideas for action and your council's work programme for the year.

## **Standing orders**

The rules for the Annual Meeting of the Council and all other meetings are contained in the council's standing orders. These include rules of procedure laid down in law and additional regulations chosen by your council. Standing orders help the council to operate smoothly. For example, a standing order reinforces the legal requirement for a quorum; a third of the councillors (or three whichever is the greater) must be present for the meeting to go ahead. Other standing orders determine, for example:

- the order of business;
- the length of meetings and the duration of speaking time;
- the schedule of meetings for the year;
- delegation (handing over tasks) to committees and officers;
- voting requirements;
- procedures for public participation.

## **Respecting the chair**

The chair is in charge during council meetings; this is a post recognised in law and must command respect. Remember, the chair is elected at the Annual Meeting of the Council for one year. Chairs have a duty to ensure that all decisions are lawful and should take steps to involve all councillors in discussion. It is good practice for the chair to refer to the clerk for advice.

In law, the chair has few special powers. For instance, it is unlawful for a council to delegate decision making to any individual councillor and the chair is no different. However, when a vote is tied, the chair has a second, or casting vote, ensuring that a decision can be made.

The chair often enjoys a special relationship with the public, especially in a town where the chair is also the mayor. The chair may carry out civic duties on behalf of the council such as addressing community events or welcoming official visitors from abroad. The chair can receive responsibility allowance to support this important public role.

Where councillors, clerk and chair work together as a team they combine energies and skills to deliver real benefits to the community they serve. Good working relationships, mutual respect and an understanding of their different roles are vital. Conflict between these key players, especially during meetings in front of the press or public can damage the council.

## **9. Being Prepared**

Your first meeting as a councillor can be daunting as you wonder what will happen and where to sit. Hopefully, other councillors will be welcoming.

At, or before, your first meeting you must sign the declaration of acceptance of office. In law, you are not a councillor until you sign. At the same time you make a written undertaking to observe your council's code of conduct. Before you sign, the clerk must give you a copy of this important document which you must read.

At **least three clear days** before each council or committee meeting, a summons and **agenda** should be sent to you electronically. The three clear days is established in law because it is important to be notified of issues to be discussed. Topics requiring a decision cannot be added to the agenda after the deadline of three clear days has passed; they must wait for another meeting.

This means it is not possible to make a decision, especially a decision to spend money or a recommendation related to a planning application, without sufficient (three clear days) warning.

However, the chairman of a committee or sub-committee (but not the council) can call a meeting at 24 hours' notice if a matter to be discussed is considered to be urgent.

Each agenda item should make it very clear what you as a councillor are expected to do and be precise about the subject under discussion. For example, an agenda

item saying Stiles gives you no idea what to expect. It is more helpful to know that your task at the meeting is:

- To receive a report from Cllr Gorie on the condition of stiles in the community and to agree action in response to proposals (copy of report attached).

Vague agenda items that don't specify exact business (such as Matters Arising, Correspondence and Any Other Business) are dangerous because you cannot make decisions under these headings.

The agenda is the clerk's responsibility. The clerk must authorise or authenticate the agenda and summons and can decide how it will be set out. This process is often undertaken in consultation with the chair. You may ask the clerk to add items to the agenda if you feel a relevant subject should be discussed.

The 5 Ws help councillors prepare for a meeting.

- What is the meeting for?
- What part should I play?
- What papers must I read?
- What people do I need to consult?
- What did I promise to do before this meeting?

## **10. At the Meeting**

What if you cannot attend? Remember, you should attend but sometimes things crop up and you are unable to make it. You should contact the clerk with an apology and explanation. If you fail to attend any meetings for six months, before the end of this period you must ask the council to approve your reason for continued non-attendance. Without formal council approval, you are disqualified and cease to be a councillor.

Remember, if you might have a personal interest in a council decision, you must declare that interest as soon as you are aware of it.

The big question, if you have declared a personal interest in respect of a matter being considered at the meeting, is whether it is a prejudicial interest (prejudicing your judgement in the public interest). If so, you cannot speak or vote on the matter and must leave the meeting while the matter is being considered (unless you have a dispensation from the principal authority's Standards Committee).

There should be an item on the agenda enabling councillors to declare their interests but you should declare an interest at any point should one become apparent during the course of a meeting.

It is, of course, the chair's job to manage the meeting by introducing agenda items, inviting members to speak, focusing discussion, clarifying matters for decision and summing up debate. Councillors, having engaged in discussion, vote for or against the proposal normally by a show of hands. Councils can now choose for themselves a form of voting. Matters to be decided are called proposals or motions and are recorded in the minutes as **resolutions**; for example, "It was resolved that the council will contribute £2000 to the community bus scheme." If you have no view on a proposal, or cannot decide, you can abstain, but you shouldn't do this too frequently. Normally voters' names are not minuted but if necessary, you can ask for names to be recorded.

Remember that council decisions are corporate decisions. It is good practice to search for constructive solutions and as much common ground as possible.

You should keep contributions short and to the point; you probably don't enjoy listening to others who speak for too long. Always work through the chair and try not to score points off fellow councillors. Never engage in personal attacks on others – however tempting. If you can add a dash of humour and common sense to the proceedings then you will be a pleasure to work with!

The council must advertise the meetings by putting up public notices and publishing them electronically; the public has a right to attend. The council should offer members of the public an opportunity to have their say in a short, defined period early in the meeting. Under Paragraph 14 (2) of the Local Authorities (Model Code of Conduct) (Wales) Order 2008, a councillor who has declared a prejudicial interest in an item on the agenda can make oral representations, answer questions

or give evidence on the matter provided that the public are also allowed to attend for the same purpose. The councillor must leave the room as usual when the council discusses the matter. If a councillor cannot attend a meeting to make oral representations, they may submit written representations. (again provided the public are allowed to attend the meeting to make representations), but must comply with any procedure the council may adopt for this purpose. In addition, county and county borough councillors and police officers would normally contribute to the meeting at the invitation of the chair under an appropriate agenda item.

The meeting must remain quorate at all times, so if you need to leave during a council meeting always warn your clerk and chair beforehand.

As a rule, meetings should not last more than two hours otherwise concentration begins to lapse. A well-crafted agenda with precise topics for discussion is a valuable tool to help the chair bring the meeting to a close on time.

## **11. After the Meeting**

Decisions have been taken and these need to be implemented. The clerk or the minuting secretary writes the minutes as a legal record of what was decided at the meeting. It is not necessary to note who said what, although the discussion can be summarised and decisions must be precisely recorded. It is important that the minutes are accurate and therefore the minutes of the last meeting are confirmed and signed at the start of the next meeting. It is a good idea if the minutes record clearly the actions to be taken following the meeting.

No later than 7 working days after a council meeting, the council must publish electronically a note setting out:

- The names of the members who attended the meeting, and any apologies for absence;
- Any declarations of interest; and
- Any decisions taken at the meeting, including the outcomes of any votes.

What happens if a decision needs to be taken between meetings? Where the matter needs full discussion then the chair might call an urgent committee meeting or an extraordinary meeting, but delegation is a useful tool. Section 101 (of the Local Government Act 1972) allows a council to delegate the power to make decisions to an officer, a committee, a sub-committee or another council. It is good practice to specify in standing orders the kind of decisions that the clerk can make such as routine decisions, dealing with emergencies or spending small sums of money. Standing orders may require decisions to be taken after consultation with two councillors (including the chair) but the decision remains with the officer. Most importantly, the council must not allow delegation to a single councillor – not even to the chair.

## Part four: Delivering the Goods

### 12. Services

You have come full circle and now return to issues raised in Part One. The best community and town councils want to improve the quality of life and the environment for people in their community. The trend across England and Wales is for the tier of government closest to the people to be more active and to provide more services. This section suggests how your council can be dynamic and professional in delivering the goods, especially if it works in partnership with others.

Community and town councils can use their legal powers to provide many services, from community centres to festivals, allotments to buses. Councils may do almost anything provided they act lawfully (see Part Five for a list of powers). Community and town councils also provide services in partnership with other bodies (including neighbouring community councils), or as their agent. It is important that the work of the community or town council complements the work of the county or county borough council; this means working in partnership. For example, a community or town council might manage library services for the county and county borough authority or provide a grass-cutting service that more closely meets local needs. The Welsh Government strongly encourages all councils to enter into formal 'Charter' agreements to underpin the relationship with the county or county borough council for the area. Guidance on developing charters is contained in 'A Shared Community – Relationship building and charters for unitary authorities and community and town councils'.

If the community or town council takes the lead in setting up a partnership, then it should identify and represent community interest groups and minority interests (such as disabled people or ethnic groups) through either membership or consultation. The partnership should be of a manageable size – say up to twenty partners – and aim to give the English and Welsh languages equal status.

Community and town councils might also work in partnership with, for example, the village hall committee to help local young people, or with local companies to

encourage tourism. They can offer funding, equipment and premises, to help others provide services. Giving grants to organisations that run child care, services for the elderly, arts activities, pond clearance or sport can improve the quality of community life. A modest grant often helps another body to secure further finance from other sources such as the lottery.

The community or town council can act as the first point of contact for all local services. Access to services delivered by other organisations including county and county borough authorities and voluntary bodies could be available through an internet connected computer located with the community council. If you think your council couldn't possibly afford it, then ask yourself whether local people would pay a little more in council tax, if they could see real benefits delivered by the community or town council.

### **13. Making a Plan**

How does your council know which services to deliver or what activities to support? The answer is clear. It consults, listens and identifies what is missing; it then agrees priorities for action and its policies and action plans begin to take shape.

In Part One it was suggested that surveys, community maps, community conferences, design statements and Planning for Real, are ways in which your council can identify the needs and wishes of local people. Tools like these strengthen community spirit and build confidence, especially if they involve all parts of the community. A council that listens knows that it has local support for actions it may take.

In considering what services to deliver or what activities to support community and town councils should also take account of the assessment of local well-being for their area, and the objectives contained within the local well-being plan. While only some community and town councils will be under a duty to take reasonable steps towards meeting those objectives all councils have an important role to play in improving the well-being of their area.

The idea that a community or town council might have a strategy or even a **business plan** no longer raises eyebrows. It is an essential tool for guiding action; it shows clearly what the council wants to achieve and how it will get there.

Once you know what you (and particularly local people) want, you can decide how to pay for it. Many councils start with the money and then decide how far it will stretch. Some councils claim that they have so little money that they can do almost nothing. Evidence clearly suggests that local taxpayers would be willing to pay more if they could see the results in terms of better services. Ask first, and then set the budget accordingly. The best councils will draw up a business plan linking actions to finance for the period of an administration, say five years.

Whatever your council's approach to plan-making, financial regulations say it must have a budget. It is good advice to follow the PBP principle: the Plan creates the Budget that determines the Precept. Remember, the precept is taken from the council tax. Your council should investigate other sources of funding such as grants and sponsorship to help implement its policies; on average non-precept funding makes up one third of community council income.

Community and town councils play an active role in representing the interests of the community in any partnership set up to manage local action to improve the quality of life and the environment. Community or town council representation on other bodies and joint working arrangements are likely to increase in future. When the opportunity arises, consider standing for these posts.

Either councillors or officers can represent the council on a partnership. Representatives remain accountable to the community or town council and must report back on a regular basis.

A plan is particularly useful for informing the community or town council's participation in the development of the **Public Services Board's** Local Well-being Plan. The PSB is made up of the leaders and chief executives of the local authority, the local health board, the Fire and Rescue Authority and Natural Resources Wales; along with others who are invited to attend. The PSB has a duty to improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals. To implement this duty,

the partners of the PSB engage with citizens and communities and examine the evidence base before drawing up a Local Well-being Plan.

A key challenge is to ensure that the Local Well-being Plan makes proposals in line with the needs and objectives of the specific local community that the community or town council represents. This is an exciting time to be a community councillor. Plans and policies will guide you as you seek to improve the quality of community life.

## **14. Town and Country Planning**

Town and Country planning is devolved to the Senedd Cymru (Welsh Parliament). Relevant legislation is contained in the Planning (Wales) Act 2015 and in the Town and Country Planning Act 1990. Your council's contribution to the preparation of plans can help to manage change but the wider planning system deeply affects life in the community and is a vital tool for delivering benefits. Town and country planning (planning the use of land and physical space) is, for many councils, their single most important activity. Surprisingly therefore, many community or town councils have no policies of their own to guide responses to planning applications. A lack of tailored local policies on how to develop and protect the area can result in inconsistent and off-the-cuff observations being made to the local planning authority (the county or county borough council or a National Park authority).

So what part does your community or town council play in the planning system? Community and town councils should search planning applications online and can then comment on the merits of planning applications. Most community and town councils spend time and energy at full council or planning committee meetings, deciding what recommendations to make. While the planning authority doesn't have to agree, it must consider the community view. If the local planning authority does not agree with your observations, you should consider asking for its reasons.

Some planning applications seek approval for development in principle through outline planning permission. If plans are not properly considered at this stage, it is often too late to express concern when the full details of agreed outline proposals come before the council at a later date. Your council's observations on a planning application should conform to the local planning authority's adopted development

plan, otherwise they may be ignored. The planning authority must, by law, be guided by its own development plan.

The community or town council needs to understand the procedures by which the planning authority makes decisions. Some decisions are made by the authority's planning committee, while most decisions are delegated to officers. Central to the decision making process are material considerations – issues that are, in law, material or relevant to a planning application. Such matters must be taken into account when making a recommendation on a planning application. Material considerations include:

- the planning authority's development plan;
- a site's planning history (including earlier applications);
- accessibility;
- traffic;
- roads and parking;
- archaeology;
- a community survey, plan or design statement.

Your personal feelings about the application, or the applicant, are irrelevant. It is the wider public interest that is important.

**Planning Aid Wales** offers advice and training for community and town councillors. There are three possible responses to a planning application. Your council can decide to recommend approval or refusal, or approval subject to conditions. The community or town council can suggest appropriate conditions such as materials, maximum size, parking or access arrangements.

The planning authority is responsible for **development control**, where development is managed through planning applications (except where **Developments of National Significance** are handled by the Welsh Government). The community or town council's local knowledge, combined with a sound understanding of the planning process, means that its views are more likely to be heard by the planning authority or by the Welsh Government. As one planning

officer observed; “there are those community and town councils who understand the system and have influence ... and there are those that don’t.” Note that community councils can choose to produce community impact reports where Developments of National Significance are concerned.

Community and town councils can spend hours on development control and forget that it is perhaps more important to influence the policies of the planning authority.

The single most influential document in the planning process is the local planning authority’s development plan. All planning decisions must be determined in accordance with the development plan unless material considerations indicate otherwise. If your council doesn’t participate when that plan is being discussed and developed, then it may be unpleasantly surprised later on when it attempts to object to planning applications that are submitted in accordance with the plan’s policies. Development plans are subject to annual monitoring reviews.

A design statement is a supplement to the **local development plan** and can influence development control. It is usually produced by the community or town council, in consultation with the community to which it belongs.

Once accepted by the planning authority it becomes a **supplementary planning document**. A community with a design statement is more likely to agree over planning matters. It is also possible to work in partnership with the local planning authority to draw up a separate element of a community or town action plan covering relevant spatial planning – the implications of the action plan for physical space within the community. The spatial element of the plan can then be adopted as a supplementary planning document.

Planning can get people very agitated and the council has a responsibility to represent the whole community – not just those with the loudest voices. Planning, like finance, often spells trouble for the council. The council must ensure proper procedures are in place. Its view on a planning application cannot be summarised from comments written onto a copy of an application passed from councillor to councillor outside a meeting. Decisions must be taken at meetings that are lawful and well-managed. It is efficient practice where applicable to have a planning

committee that meets every two to three weeks. Your planning authority is required to determine planning applications within a tight time frame.

Councillors should follow the code of conduct at all times – remember those personal interests. It can be particularly sticky for a councillor who also serves on the planning committee of the county or county borough council. ‘Dual-hatted’ councillors can speak and vote on an application before both councils but when considering an application before the county or county borough council, they must keep an open mind and avoid being influenced by the community or town council position; instead they must view the application from the county perspective. Councillors must not only make decisions fairly, openly and impartially, without prejudging issues, but must be seen to be doing so. An open mind is a very useful asset for any aspect of council work.

## **15. The Active Community Council**

At the heart of best practice in service delivery and community planning is the active community or town council working in partnership with its county or county borough council. Councils should be working to improve communication between tiers for all areas of service delivery.

All councils must have a website to publish information and use electronic communication to present a modern, dynamic and professional image to the public. Websites are especially useful for dispersed communities. In particular, the community or town council can provide a one-stop-shop information point with electronic access to services elsewhere. Electronic communication provides rapid and up-to-date access to information from organisations such as the Welsh Government or the county or county borough council. It is also a valuable tool for connecting councillors and their constituents, especially the young, and can be used to facilitate networking between community and town councils.

County and county borough councils may consider devolving funding so that community and town councils can deliver more services. The delegation of power cannot occur unless a county or county borough council is confident of the community or town council’s professionalism and ability to deliver. Charter

agreements can provide the basis for discussions between councils that wish to investigate the delegation of services.

The Welsh Government encourages community and town councils, as public sector organisations representing local communities, to work in partnership with other organisations to achieve the best deal for local people.

The community or town council should select its representative on a partnership with care, depending on experience and expertise and an ability to represent the range of views held by the local community; this means being fully informed of those views. It is also important to make sure that channels of communication are open so that the debates and decisions made by the partnership are reported clearly to the community concerned and vice versa.

The community or town council is often represented on other organisations in the community, including a primary school's governing body where the community is represented. Contact with other organisations helps the council to keep in touch with local needs and interests. It also helps the council to co-ordinate activities and oversee grants that they give to local groups.

The best community or town council represents all parts of its community and creates a sense of belonging. It aims to be inclusive by ensuring that no-one feels disadvantaged. In particular, it must make sure that people with either Welsh or English as their first language (or speakers of other languages) are not excluded.

Policies and legislation are continually emerging from the Welsh Government and the UK Government and it is vitally important to keep in touch with changes as they develop. It is essential for councillors and council staff to attend training courses, particularly those that will contribute to personal development as well as to helping to keep the council on the ball (see Part Five for more guidance).

In summary, the good community or town council:

- provides community leadership and a vision for the future;
- listens to local people and articulates their needs;
- works closely with community groups;
- keeps them informed of what it does and why;

- acts in a professional manner;
- this means that its finances are properly managed; it conforms to high standards of behaviour and is served by a trained clerk;
- works in partnership with others especially county and county borough authorities and other community and town councils;
- committed to ongoing training and development, not only for its staff but for councillors too;
- is active and elected by its community.

The central idea is that the council has a close relationship with its community and is so active that people want to serve as councillors – hence the elections. It is a vision of democracy at its best; local votes for local people for local action.

The next and final part contains advice, contacts and other information to help you in your role as a community councillor.

# Part five: The Toolbox

## 16. Hazards

Even in the best councils things go wrong, so one of the most useful resources is the council's clerk. Trained clerks can recognise when something needs attention; if they cannot fix the problem, they will know someone who can.

Your council should anticipate where breakdowns and accidents might occur. For example, it could be hazardous if councillors, clerk and chair:

- are unsure of their respective roles, duties and responsibilities;
- don't work as a team or share mutual respect;
- don't communicate with each other;
- concentrate on point-scoring.

Furthermore, the council could have difficulty if it:

- allows one person or a small group of councillors to dominate;
- allows any single councillor (including the chair) to make decisions on its behalf;
- doesn't listen to and communicate with its community, other community and town councils, county and county
- borough authorities and outside bodies;
- ignores or antagonises the press;
- doesn't have contracts of employment for staff and doesn't pay staff for the hours they work at recommended rates of pay;
- doesn't keep its records in order and lacks a robust system of financial control;
- doesn't manage meetings effectively;
- is not well-informed on topics to be discussed.

Everyone in the team is responsible for checking that the council avoids these dangers and ultimately the council is liable. By contrast, well-prepared and well-

informed councillors avoid difficulties and devote their energies to serving the community.

## **17. Important Documents**

Always know where your important documents are kept so you can refer to them when necessary.

You are advised to have your own copy of:

- a schedule of meetings for the coming year;
- the council's standing orders;
- the council's financial regulations;
- the code of conduct adopted by your council;
- contact details of councillors and the clerk (but note, only contact the clerk during dedicated working hours);
- the budget for the current year;
- the minutes of meetings that took place during the previous year.
- You will also find it useful to know whether the following exist for your council and if so, what they contain. These documents are normally kept by the clerk:
  - a map of the community;
  - the community action plan;
  - the council's strategy, action plan or business plan;
  - the design statement;
  - the local well-being plan produced by the Public Services Board;
  - the county or county borough council's adopted local development plan;
  - your community council's development control policy;
  - policies for equal opportunities, and health and safety;
  - processes for handling emergencies and working with the media;
  - grievance/complaints procedures;
  - the council's Welsh Language Scheme;
  - the council's publication scheme for the Freedom of Information Act;
  - the council's Data Protection Policy

- risk assessment policy;
- assets register (list of property);
- register of councillor's interests;
- lease agreements;
- insurances;
- the cash book for recording receipts and payments;
- schedule of council charges and fees for services and facilities;
- partnership agreements;
- the council's guide to social media.

You might also need to know:

- the size and composition of the population of the community and its electorate;
- how much an average household pays in council tax to the community or town council;
- contact details of county and county borough authority councillors;
- contact details of local organisations.

Don't worry if your council doesn't have all this information. It can be assembled over time – except for essential items such as the financial regulations which must exist already.

## **18. Sources of Advice**

Always start by asking your clerk. It is the clerk's job to receive information from other bodies and keep up-to-date on your behalf. As a council you should monitor the clerk's workload to ensure that there are sufficient hours to carry out the tasks required by the council. Your clerk (and the council) benefit if the clerk is a member of the Society of Local Council Clerks (SLCC). The Society provides legal, financial and other advice, an online training course and considerable support and guidance from the clerks' network. Your council is strongly advised to pay the clerk's subscription to the SLCC.

## Organisations

The next stop for advice on legal matters, policy and councillor training, will probably be One Voice Wales or its area committee. It is vital that your council is a member in order to benefit from its services and keep abreast of changes affecting community and town councils.

Most areas have an organisation such as a Council for Voluntary Service (CVS) or Voluntary Action offering advice on local service delivery, funding and community projects.

Planning Aid Wales ([www.planningaidwales.org.uk](http://www.planningaidwales.org.uk)) is an independent source of advice on all types of planning issues. It is of considerable value to local communities engaging in the planning process.

Further detail about the role and functions of the Welsh Language Commissioner, including details of which standards apply to the Principal Councils, can be found on the Commissioner's website: [www.comisiynyddygyraeg.cymru](http://www.comisiynyddygyraeg.cymru)

## Publications

New guidance for community councils is published from time to time, especially when the rules change. Your clerk is responsible for identifying this guidance and passing it on to councillors. One Voice Wales disseminates information and provides help and advice for councils, ensuring that councils remain up-to-date. Membership of One Voice Wales is therefore essential. For example, recent guidance includes

- A briefing on multi-location meetings and meeting notices
- Connecting with your local community: A communications guide for Welsh Community and Town Councillors and their Clerks
- Code of Recommended Practice for Local Authority Publicity
- Guidance on the Local Government and Elections (Wales) Act 2021

The following publications are also of interest.

***The Parish Councillor's Guide*** by Paul Clayden, the 20th edition was published in 2009 by Shaw and Sons. It is a quick and readable guide to the law and practice of town, parish and community councils with topics in alphabetical order.

***Local Councils Explained*** was published by the National Association of Local Councils in 2013. It explains law and procedures for councils and contains model standing orders. In 2022 an updated version is awaited.

***Developing a comprehensive understanding of community and town councils in Wales*** by Professor Michael Woods of the Aberystwyth University is a review of evidence undertaken for the Welsh Government (published in 2014).

For the councillor seeking detailed knowledge of law and procedures, a valuable book is ***Arnold-Baker on Local Council Administration*** by Roger Taylor; look for the latest edition published by LexisNexis. It is essential that the council has a copy of the latest edition, often known as the 'clerk's bible', as it gives thorough advice and extracts from relevant legislation.

***Governance and Accountability for Local Councils in Wales: A Practitioner's Guide*** (the latest update), published by One Voice Wales and the SLCC, is a useful tool for RFOs and for councillors seeking detailed knowledge of financial management. It explains statutory 'proper practices' for financial management.

***Access to Information on Community and Town Councils: (2015)*** statutory guidance from the Welsh Government on publicising information on the web.

***The Code of Conduct for members of local authorities in Wales:*** Guidance from the Public Services Ombudsman for Wales for members of community councils.

***Being a Good Employer*** is an extremely useful guide published by the National Training Strategy (England). It takes you through all stages of the employment process from recruitment to departure.

***LCR*** (formerly *Local Council Review*), the quarterly magazine produced by the National Association of Local Councils and available through your contact at One Voice Wales.

**DIS Extra** is a fortnightly electronic news bulletin produced by the National Association of Local Councils available on subscription.

One Voice Wales publishes a monthly e-bulletin.

**The Clerk**, the journal of the Society of Local Council Clerks is published every two months both in print and online.

**The Community Planning Handbook** by Nick Wates (published in 2000 by Earthscan) is a useful and concise source on public involvement in planning and action.

The online Self-Assessment Toolkit for Community and Town Councils (2022) is available from One Voice Wales and the Society of Local Council Clerks.

## **Training**

The council should have in place arrangements for induction – introducing new councillors to the work and procedures of the council. This guide will be part of an induction tailored to the work of the specific council. The clerk, perhaps co-ordinating with the chair, is often in a good position to carry out induction.

In partnership with the Welsh Government, One Voice Wales and the Society of Local Council Clerks are concerned with the provision of training to community and town councils in Wales. Your council should advise One Voice Wales or the Society of Local Council Clerks what it needs in terms of training.

One Voice Wales ([www.onevoicewales.org.uk](http://www.onevoicewales.org.uk)) offers an annual training programme covering many modules. Events can be held in suitable locations throughout Wales and can be delivered in either English or Welsh. One Voice Wales also delivers bespoke courses for councils with specific training needs where possible. Councils must make provision for training both clerks and councillors in their budgets in line with their published training plans. For councils with low incomes, bursaries funded by the Welsh Government may be available.

ILCA (Introduction to Local Council Administration) is an online course written and delivered by the Society of Local Council Clerks. It is a great help to new councillors, clerks and aspiring clerks as it introduces the work of community and

town councils and includes sections on roles, law and procedures, finance, management, and community. It can easily be studied at home and you can check your knowledge by doing some online tests that really make you think. The SLCC also provides an online course called FILCA – Finance in Local Council Administration) as an introduction for RFOs and councillors specializing in finance. For further information see **[www.slcc.co.uk](http://www.slcc.co.uk)**.

There are two nationally recognised qualifications tailored precisely to the needs of the community council sector and essential for all clerks and aspiring clerks. The Level Three qualification is CiLCA; this requires candidates to complete an online portfolio of explanations and annotated documents relevant to their work. The Society of Local Council Clerks then provides higher education qualifications in Community Governance validated by De Montfort University at Levels 4, 5 and 6. These advanced qualifications are suitable for both officers and councillors. Further information can be obtained from the SLCC.

Continuing Professional Development (CPD) is the process by which employees can track, record and plan learning. The Society of Local Council Clerks publishes a guide to CPD points. Employers might find this guide useful as a basis for annual appraisals and officer development.

## **List of legal duties and powers**

The list below is an indicative list of duties and powers to help you appreciate in summary the wide range of functions covered by Acts of Parliament and Measures or Acts of the Senedd Cymru (Welsh Parliament). It is a useful reference when you need to know if the community council can act but note, no list can be comprehensive. Remember that a duty is an action that must be taken by law while a power is an action that the council can choose to undertake.

It is hoped that you find this guide useful and, most importantly, that you enjoy your work as a councillor making a difference in the community that you serve.

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
Annual report	Duty to publish an annual report about council priorities, activities and achievements.	Local Government and Elections (Wales) Act 2021, Section 52.
Annual meeting of the council	Duty to hold	Local Government Act 1972, Schedule 12, paragraph 23
Allotments	Powers to provide allotments Duty to provide allotment	Small Holdings and Allotments Act 1908, s23
Attendance at meetings by persons not in the same place	Duty to ensure meetings can take place virtually or partially virtually	Local Government and Elections (Wales) Act 2021, Section 47
Borrowing	Subject to Welsh Ministers' consent power to borrow money for capital purposes	Local Government Act 2003 Schedule 1 para 2
Burial grounds, cemeteries and crematoria	Power, as a burial authority, to acquire and provide with a duty to maintain  Power to agree to maintain monuments and memorials  Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss. 9 and 10  Parish Councils and Burial Authorities (Miscellaneous) Act 1970, s.1  Local Government Act 1972, s. 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provisions) Act 1953, s.4
Bye Laws	Power to make byelaws for: Mortuaries and post mortem rooms Pleasure grounds Parking places Open spaces and burial grounds	Public Health Act 1936, s.198 Public Health Act 1875, s.164 Road Traffic Regulation Act 1984, s.57(7) Open Spaces Act 1906, s.15
Charities	Powers regarding local charities	Charities Act 2011, Part 15
Christmas Lights	Power to encourage visitors	Local Government Act 1972, s.144
Citizens Advice Bureau	Power to support Citizens Advice Bureaus	Local Government Act 1972, s.142 (2A)
Climate change	Power to promote local energy saving measures	Climate Change and Sustainable Energy Act 2006, s.20
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
Code of conduct	Duty to adopt a code of conduct Duty on councillors to comply with the code of conduct	Local Government Act 2000, s. 51 Local Government Act 2000, s. 52
Common land and village greens	Power to protect common land and village greens where the owner is not registered	Commons Act 2006, s.45
Community centres	Power to acquire or provide and equip community buildings  Power to provide premises for the use of clubs or societies having athletic, social or recreational objectives	Local Government Act 1972, s.133  Local Government (Miscellaneous Provisions) Act 1976, s19
Community meetings	Power to convene and duty to give notice	Local Government Act 1972, Schedule 12, paragraphs 30, 30D and 30E
Community polls	Power to organise a community governance poll (no other polls are permitted)	Local Government and Elections (Wales) Act 2021, s162 and Schedule 13
Conference facilities and exhibitions	Power to provide facilities	Local Government Act 1972, s.144
Co-option of members	Powers to co-opt persons to fill vacancies  Duty to advertise co-option vacancies	Representation of the People Act 1985, s21 Local Elections (Parishes and Communities) (England and Wales) Rules 2006, Rule 5 (5)  Local Government (Wales) Measure 2011, s116
Crime prevention	Powers to spend money on various crime prevention measures  Duty to exercise functions with regard to the effect on crime and disorder	Local Government and Rating Act 1997, s.31  Crime and Disorder Act 1998, s17
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Power to provide entertainment and support to the arts including festivals and celebrations	Local Government Act 1972, s.145
Environment (keeping it safe)	Duty to promote and enhance biodiversity	Environment (Wales) Act 2016, Section 6

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
Finance	<p>Duty to make arrangements for the proper administration of the council's financial affairs and to secure that one of their officers has responsibility for the administration of those affairs</p> <p>Duty to make a budget calculation</p> <p>Power to issue a precept to a billing authority</p> <p>Duty to keep accounts for audit</p> <p>Power to make financial contributions etc for the purpose of BID projects</p>	<p>Local Government Act 1972, s151</p> <p>Local Government Finance Act 1992, s.50</p> <p>Local Government Finance Act 1992, s.41</p> <p>Accounts and Audit (Wales) Regulations 2014</p> <p>Local Government Act 2003, sections 43 and 58</p>
General power (s137)	Power to incur expenditure for certain purposes not otherwise authorised. (except for a council which has resolved itself to be an eligible community council under section 30 of the Local Government and Elections (Wales) Act 2021 (see General Power of Competence below)	Local Government Act 1972, s. 137
General power of competence	<p>Power to do anything that individuals generally may do (for eligible councils only).</p> <p>Power to restrict the power of local authorities to incur expenditure for certain purposes not otherwise authorised to councils that are not eligible community councils</p>	<p>Local Government and Elections (Wales) Act 2021, Section 24.</p> <p>Local Government and Elections (Wales) Act 2021, Section 37 and Part 2 of Schedule 3</p>
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Highways	Power to enter into agreement as to dedication	Highways Act 1980, s.30
	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss. 43, 50

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
	Power to plant trees etc and to maintain roadside verges	Highways Act 1980, s.96
	Power to complain to highway authority regarding protection of rights of way and roadside wastes	Highways Act 1980, s.130(6)
	Power to erect flagpoles etc on highways	Highways Act 1980, s.144
	Power to contribute to traffic calming schemes	Highways Act 1980, s. 274A
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s.1
	Power to light roads and public places	Parish Councils Act 1957, s.3
	Power to provide parking places	Road Traffic Regulation Act 1984, s.57
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of land	Local Government Act 1972, ss.124, 126, 127
Litter	Power to provide receptacles in public places	Litter Act 1983, sections 5 and 6
Lotteries	Power to hold a lottery operating license	Gambling Act 2005, s.98
Marine management	Power to obtain advice from the Maritime Management Organisation	Marine and Coastal Access Act 2009, s 25
Meetings	Duty to hold annual meeting	Paragraph 23(1), Schedule 12, Local Government Act 1972
	Duty to hold meeting within 14 days of a community council election	Paragraph 23(2), Schedule 12, Local Government Act 1972
	Power to call extraordinary meeting	Paragraph 25, Schedule 12, Local Government Act 1972
	Quorum for meetings	Paragraph 28, Schedule 12, Local Government Act 1972
	Duty to publish electronically notice of time and place of meeting including how it may be accessed virtually, if applicable.	Paragraph 26(2)(a), Schedule 12, Local Government Act 1972 as amended by the Local Government and Elections

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
		(Wales) Act 2021, s.49 and Part 1 of Schedule 4
Meeting notes	Duty to publish electronically meeting notes within 7 working days of the meeting.	Paragraph 26ZA of Schedule 12 to the Local Government Act 1972 as inserted by the Local Government and Elections (Wales) Act 2021, paragraph 12 of Schedule 4.
Meeting venues	Power to convene meetings at any place the council directs whether inside or outside the council's area	Paragraph 26 of Schedule 12 to the Local Government Act 1972 as inserted by the Local Government and Elections (Wales) Act 2021, paragraph 20 of Schedule 4
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Minutes	Duty to draw up minutes of community meetings	Paragraph 35, Schedule 12, Local Government Act 1972
National Parks	Duty to have regard to purposes for which National Parks are designated	National Parks and Access to the Countryside Act 1949, s.11A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Officers and employees of the council standing for election	Right to stand for election to their employing council	Local Government Act 1972, sections 80A, 80B and 80C as inserted by the Local Government and Elections (Wales) Act 2021, Section 20
Open Spaces	Power to acquire land and duty to maintain them	Open Spaces Act 1906, ss.9 and 10
Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide public conveniences	Public Health (Wales) Act 2017 s.116
Public participation in meetings	Duty to provide members of the public with an opportunity to make representations about any business to be transacted at the meeting	Local Government and Elections (Wales) Act 2021, Section 48
Public spaces protection orders	Right to be notified of proposal for an order	Anti-social Behaviour, Crime and Policing Act 2014, s.72

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
Publication	Duty to publish electronically documents relating to the business of the meeting (in so far as reasonably practicable)  Duty to have a publication scheme	Paragraph 26(2)(aa), (b), Schedule 12, Local Government Act 1972  Government Act 1972 Freedom of Information Act 2000
Parks, pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para 27)  Public Health Acts Amendment Act 1890, s.44  Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
Staff	Power to appoint staff	Local Government Act 1972, s.112
Standing orders	Power to make standing orders  Duty to have a standing order with respect to contracts for the supply of goods and materials	Local Government Act 1972, Schedule 12, paragraph 42  Local Government Act 1972, s. 135 (2)
Status	Power for a community council to resolve that the community shall have the status of a town	Local Government Act 1972, s.245B
Town and Country Planning	Right to request the local planning authority for notification of	Town and Country Planning Act 1990, Schedule 1A, paragraph 2
Tourism	Power to contribute to certain organisations encouraging tourism	Local Government Act 1972, s.144 (2)
Training	Duty to publish a training plan setting out the training need of councillors and council staff	Local Government and Elections (Wales) Act 2021, Section 67.
Transport	Power to establish car-sharing schemes  Power to make arrangements for taxi fare concessions	Local Government and Rating Act 1997, s.26  Local Government and Rating Act 1997, s.28

<b>Activity</b>	<b>Powers and Duties</b>	<b>Statutory Provisions</b>
	Power to investigate provision of public transport services and to publicise information on such services  Power to make grants for bus services	Local Government and Rating Act 1997, s.29  Transport Act 1985, s.106A
War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923 s.1; as extended by Local Government Act 1948, s.133
Website	Duty to make specified information available electronically	Local Government (Democracy) (Wales) Act 2013, s.55
Well-being of future generations	Duty to take all reasonable steps towards meeting local objectives in the local well-being plan (and to report annually) if the council's gross income or expenditure was at least £200k in each of the 3 years prior to publication of the local well-being plan	Well-being of Future Generations (Wales) Act 2015, s. 40
Welsh language	Duty to comply with Welsh language standards	Welsh Language (Wales) Measure 2011, s. 25
Youth representatives	Power to appoint youth representatives	Local Government (Wales) Measure 2011 ss.118-119

## 19 Glossary

<b>Reference</b>	<b>Explanation</b>
Accounts	These are financial papers including receipts and payments records, statements of income and expenditure and the balance sheet.
Agenda	The agenda is the list of items to be covered during a meeting. In law it identifies the "business to be transacted".
Annual Community or Town Meeting	This is a meeting of the electorate, not a meeting of the council. It can be used as a form of community engagement, debate or celebration. Unlike in England, it is not required by law.
Annual Meeting of the Council	This is a meeting of the council usually held in May where the chair is elected. The council might elect a vice-chair, and will also appoint committee members and representatives to

Reference	Explanation
	other bodies. It might also be known as the Annual General Meeting.
Annual return	The annual return is a financial governance form completed and signed by responsible parties and approved by the council as part of the external audit.
Budget	The budget is the plan for income and expenditure over the next year. Working papers are designed to help you decide what the budget will be for the next financial year; they should include comparisons with the previous and current financial years and forms the basis for precept calculations.
Business plan	A business plan usually covers the five-year term of a community council. It shows how the council will raise and spend money over this longer period to achieve its goals.
Code of conduct	This is the formal code adopted by your council to regulate the behaviour of councillors. You must agree to abide by the code when you sign your Declaration of Acceptance of Office at or before your first meeting.
Co-option	Co-option occurs when there are not enough candidates for seats at an election or when the electorate doesn't call for an election after a seat has fallen vacant. The council chooses someone from a list of applicants.
Corporate body	A corporate body has a legal existence separate from that of its individual members. It can be taken to court, it can enter into a contract and, as a body, is responsible for its actions.
County and county borough councils	These are other local government bodies in Wales. Some of these authorities call themselves city councils.
Declaration of acceptance of office	This is the formal procedure by which you accept the office of councillor. You should sign this declaration at or before your first meeting.
Delegation	Delegation is the act of handing over the power to make a decision to an officer, a committee, a sub-committee, or another council. Delegation must be formally agreed by the full council.
Development control	This is the formal name for the control of development through the planning permission process.
Development of National Significance	This is usually an infrastructure development considered to be too important for a local authority to decide and where the national interest overrides the local interest.
Duties	Duties are actions that a council must take by law.

Reference	Explanation
External auditor	The external audit is where the Government's appointed auditor makes the final check using the annual return.
Internal auditor	The internal auditor is independent of the council and has an appropriate level of competence. The internal audit is a review of the council's system of internal control.
Internal control	Internal controls are the checks and balances that ensure that the council's financial affairs are carried out properly.
Local development plan	This is a spatial plan relating to a unitary council's area – the area served by a county or county borough authority or by a National Park authority.
Local Well-being Plans	Established by the Well-Being of Future Generations (Wales) Act 2015, these plans are drawn up by Public Services Boards. Following an assessment of local well-being and extensive community consultation, the plans set out proposals for ensuring the social, environmental, cultural and economic well-being of the local area covered by the county or county borough council. The community or town council is a statutory consultee.
Material considerations	These are matters that are material (or relevant) in planning law to an application.
Monitoring Officer	This is an officer at the county or county borough authority who oversees the ethical framework in the county (or county borough) council and in the community and town councils in the area. The ethical framework is the legislation and statutory guidance designed to maintain proper standards of behaviour for people serving in local government. A breach in behaviour is referred to the standards committee at the county or county borough council.
National Association of Local Councils	At present, NALC, which represents parish and town councils in England, negotiates pay with the Society of Local Council Clerks for England and Wales.
One Voice Wales	One Voice Wales is the national representative body for community and town councils in Wales.
Personal interests	Personal interests are financial or other interests as defined in your council's code of conduct.
Place Plans	A place plan sets out planning guidance for development and the use of land in a local area. It is written by local people co-operating with the planning authority. It is based on community engagement but is clearly linked to the policies of the planning authority.

Reference	Explanation
Planning Aid Wales	Planning Aid Wales is an independent charity helping communities to engage effectively with planning. It provides a range of services including telephone advice (02920 625 000), easy-to-read guidance publications ( <a href="http://www.planningaidwales.org.uk">www.planningaidwales.org.uk</a> ) and effective training on all types of planning issues. Planning Aid Wales has worked with community and town councils across Wales and offers a range of publications and training courses specifically designed to meet their needs.
Planning authority	The local planning authority is the county or county borough council or a National Park authority. It is responsible for all development planning and development control decisions.
Powers	Powers refer to those activities which a council may engage in, as authorised by an Act of Parliament, or a Measure or Act of the Senedd Cymru (Welsh Parliament).
Precept	The precept is determined by the community council and represents its share of the council tax. The precept demand goes to the billing authority (the county or county borough council) which collects the tax and distributes it to the community council.
Prejudicial interests	A prejudicial interest is a personal interest that is so significant that a knowledgeable member of the public might consider that it prejudices your judgement on the matter.
Procedures	These are the guidelines for operating a community or town council within the law..
Procurement procedures	It includes asking for tenders and treating tenders with transparency and fairness. It also includes ensuring proper contracts are in place.
Proper officer	This is a term used in law to mean the officer appointed by a council for a specific statutory purpose. In community and town councils this officer is normally the clerk.
Supplementary planning document	A supplementary planning document is produced by a community or town council and has been adopted by the local planning authority. It informs decisions on planning applications.
Three clear days	This is a term in law. It does not include the day on which the agenda was sent out, nor the day of the meeting. It also excludes Sundays, bank holidays and days of the Christmas and Easter breaks.
Voluntary body	A voluntary body is established by volunteers; but it may raise money and employ staff to do

<b>Reference</b>	<b>Explanation</b>
	its work. Local charities and the Council for Voluntary Service are examples.