



Be kind



Byddwch yn garedig

COWBRIDGE (ANCIENT BOROUGH) with
LLANBLETHIAN TOWN COUNCIL
CYNGOR TREF
Y BONTFAEN (Bwrdeistref Hynafol) gyda
LLANFLEIDDAN

Date: 2022

Dear Member of Cowbridge with Llanblethian Town Council,

I hereby give you notice that the next meeting of the **Finance & Governance Committee** will take place in the **Cowbridge Town Hall Council Chamber and remotely** on Tuesday the 6th of December 2022 at 8.00pm.

All members of the press and public wishing to attend remotely contact townclerk@cowbridge-tc.gov.uk for joining instructions.

THE MEETING WILL BE RECORDED.

C Kennedy

Cathy Kennedy

Town Clerk and Responsible Financial Officer

Committee Members: Chair of the Committee Cllr Alec Trousdell, The Mayor Cllr John Andrew, The Deputy Mayor Cllr Malcolm Wilson, Cllr Gwen Baty, Cllr Geraint Baty, Cllr Beverly Tonkin and Cllr Lianne Brown.

AGENDA

1. APOLOGIES FOR ABSENCE

To note any apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest relating to items on the agenda.

3. CO-OPTION OF EXTERNAL CONTRACTOR

To co-opt Kerry Leigh-Grabham to the finance committee.

4. MINUTES OF THE PREVIOUS MEETING

To approve the minutes of the meeting held on the 8th of November 2022.

5. MATTERS ARISING FROM THE MINUTES OF THE LAST MEETING

To discuss any matters arising not on the agenda.

6. FINANCIAL MATTERS

To approve the financial report ending 30th of November 2022.

7. BUDGET

To consider the draft budget for 2022 23.

8. COMMUNITY BOUNDARIES REVIEW

To agree town council representatives for the community boundaries review.

9. THE VALE OF GLAMORGAN COMMUNITY REVIEW

To note the community review dated June 2023.

10. SECTION 137

To note the Section 137 Expenditure Limit for 2023-24

11. WAR MEMORIAL

To consider the maintenance renewal.

12. THE FINANCE GOVERNANCE TOOLKIT

To note guidance from One Voice Wales and the Society of Local Council Clerks.

13. BULLYING & HARASSMENT IN COUNCILS

To note guidance from One Voice Wales and the Society of Local Council Clerks.

14. ELECTORAL ADMINISTRATION AND REFORM WHITE PAPER

To note the White Paper.

15. GRANT APPLICATION

To consider any grant applications received.

16. DATE OF NEXT MEETING

Tuesday, 10th of January 2023.



Be kind



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COWBRIDGE (ANCIENT BOROUGH) with
LLANBLETHIAN TOWN COUNCIL
CYNGOR TREF Y BONT FAEN
(Bwrdeistref Hynafol) gyda
LLANFLEIDDAN

Minutes of the Meeting of the Finance & Governance Committee held in the Council Chamber and remotely using Microsoft Teams at 8.00pm on Tuesday the 6th of October 2022.

Present: Chair of the Committee, Cllr. Alec Trousdell, Deputy Chair of the Committee Cllr. Beverly Tonkin, Cllr. Malcolm Wilson, Cllr Gwen Baty, Cllr Geraint Baty, Cllr Lianne Brown.

Town Clerk Cathy Kennedy

Apologies: Cllr John Andrew

THE MEETING WAS RECORDED

Committee Members: The Chair of the Committee Alec Trousdell, Deputy Chair of the Committee Beverly Tonkin, the Mayor of the Council Cllr John Andrew, the Deputy Mayor of the Council Cllr Malcolm Wilson, Cllr Gwen Baty, Cllr Geraint Baty and Cllr Lianne Brown.

1. APOLOGIES FOR ABSENCE

Apologies were noted from Cllr Andrew.

2. DECLARATIONS OF INTEREST

There were no declarations of interests.

**3. MINUTES
RESOLVED**

The minutes of the meeting held on Tuesday the 6th of September were approved.

4. MATTERS ARISING

There were no matters arising not on the agenda from the meeting held on Tuesday the 6th of September 2022.

Cllr Trousdell reported that the process of adding Cllr Wilson and Cllr Tonkin as banking signatories was in progress.

**5. MONTHLY FINANCIAL REPORT
RECOMMENDED**

To approve the Financial Report ending 30th September 2022.

**6. GRANT APPLICATION
RECOMMENDED**

To approve an application for £100 to cover the cost of live music at the Llanblethian Community Group HM Queen Elizabeth II Jubilee Party.

7. OUTSOURCING FINANCE

The Town Clerk reported that she had placed a call out for accountants to quote for the monthly undertaking of the Town Council finances and only received one quote, however, the quote was from a company experienced in local council finances and processes.

RECOMMENDED

To meet with KLG Accountancy to discuss starting date and a 3-month trial period.

8. MEMBER PAYMENTS

The Town Clerk/RFO reported that as a larger Group A Council, the Independent Remuneration Report **Determination 43** dictates that a MUST payment of £500 be paid to a minimum of 1 and a maximum of 5 members of the Council.

RECOMMENDED

Cllr. Gwen Baty proposed that Cllr. Alec Trousdell be the recipient of the payment due to all the extra work he has put in whilst the office has been short staffed. The proposal was unanimously approved.

9. CIVIC SUNDAY

Following the previous Civic Sunday, the Vale Council advised the Town Clerk that unless a road closure is managed by the local Police Force, a traffic management company be contracted to manage the closure.

RECOMMENDED

To approve a quote from Traffic Management Company 'Conemasters' to manage Civic Sunday Road closure.

10. DATE OF NEXT MEETING

Meetings are normally the first Tuesday of the month, however, due to the next meeting being scheduled for the very beginning of the month on the 1st November and the difficulty in closing the previous month's accounts in such a short time, the committee agreed for the next meeting to be held on Tuesday the 8th of November 2022.

The meeting ended at 8.40pm.

We will be starting a Community Boundaries Review in January which is being undertaken on our behalf by the Local Democracy and Boundary Commission for Wales. Once they have reviewed our boundaries, they will look at the electoral arrangements for each ward. This will include the number of councillors per ward. Once the recommendations have been put forward, there will be a consultation period and during that time the council can make its own recommendations on how many Cllrs would be preferred.

The other option is to make a request in writing to the Vale of Glamorgan Council. You could send this for my attention. However, as pointed out this work will be undertaken during the electoral review.

We would welcome your Council's involvement in our review, and we will be holding meetings and workshops throughout the process. Is this something you would be interested in being involved with and if so, please send me the name and contact details of the councillors.

Meeting of:	Cabinet
Date of Meeting:	Thursday, 17 November 2022
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	The Vale of Glamorgan Community Review
Purpose of Report:	To update Members on the Vale of Glamorgan Council's Community Review and the process to be adopted
Report Owner:	The Executive Leader and Cabinet Member for Corporate Performance and Resources
Responsible Officer:	Rob Thomas Electoral Registration Officer
Elected Member and Officer Consultation:	This report has Council wide implications, and no specific Ward Member consultation has been undertaken
Policy Framework:	This is an Executive decision by Cabinet
Executive Summary: - Cabinet on the 30th April, 2018 considered a report relating to the Council's duty to conduct a community review and resolved that a full community review ("the review") in line with the requirements of the Local Government (Democracy) (Wales) Act 2013 ("the Act") for the Vale of Glamorgan be commenced in June 2023 having regard, at that time, to the timing of the Local Democracy and Boundary Commission for Wales's ("the Commission") principal area review for the Vale of Glamorgan and the need to avoid the risk of voter confusion during election years in 2021 and 2022; minute number C285 refers. - The Local Democracy and Boundary Commission for Wales and all other mandatory consultees, including Town and Community Councils, were formally notified of the agreed timescale for the next Vale of Glamorgan community review. - Following the Local Government Elections in May 2022, discussions have been taking place with the Commission around the timing of the review, which will last 12-18 months, with a commencement date of January 2023, this taking account of the Commission's capacity to undertake no more than three reviews during this period.	

- Accordingly, it is proposed that the review is undertaken by the Commission on behalf of the Council in line with the Commission's powers under section 26(2)(a) of the Act, and in line with the Commission's Guidance for Principal Councils, July 2022, on the [Review of Communities](#).
- There are prescribed rules which are set out in the Act for the conduct of a community review which includes consultation with mandatory consultees on all elements of the process.

Recommendations

1. That a full Community Review for the Vale of Glamorgan Council be commenced in January 2023.
2. That Cabinet has regard to the process and relevant timescales for the Vale of Glamorgan Council's Community Review, as included in the appended Terms of Reference.
3. That the Local Democracy Boundary Commission for Wales and all other mandatory consultees be formally notified of the revised commencement date of the next Vale of Glamorgan community review.
4. That a copy of this report be referred to the Community Liaison Committee and, in the interim to all Town and Community Councils in the Vale of Glamorgan Council for information.
5. That a copy of this report be referred to Full Council in December 2022.

Reasons for Recommendations

1. To determine a further revised timescale for the commencement date of the community review having regard to the Commission's available capacity, to ensure a timely completion of the review, to take effect in respect of the Local Government Elections in May 2027
2. To ensure that Cabinet are sighted on the process and relevant timescales for the Vale of Glamorgan Council's Community Review.
3. To advise parties in line with the Local Government (Democracy) (Wales) Act 2013.
4. To apprise the Committee and Town and Community Councils.
5. To apprise Full Council, given that the final recommendations relating to the review will be a matter for Council.

1. Background

- 1.1 The Council has a duty under s22 of the Local Government (Democracy) (Wales) Act 2013 ('the Act') to report every ten years on a community review having regard to the Local Democracy and Boundary Commission for Wales' (LDBCW) timetable for conducting the reviews of principal areas' electoral arrangements required by section 29(1) of the Act.
- 1.2 On 30th April, 2018 Cabinet considered a report postponing the Review scheduled for 2019 until 2023 for reasons outlined in the [report](#).
- 1.3 Consultation with the Commission regarding the timing of the Review is required to ensure that the Commission have sufficient time to make any Orders that are consequent following a community review and that it would not have an adverse

impact on the work the Commission has programmed. Commencement of the Community Review in January 2023 is necessary to ensure that it is completed, to take effect in respect of the Local Government Elections in May 2027.

2. Key Issues for Consideration

- 2.1** Under the Act the Commission, has a general duty to monitor arrangements for local government across Wales.
- 2.2** The Council and the Commission when performing their duties, are required by the Act to seek to ensure effective and convenient local government.
- 2.3** s26 of the Act enables the Commission to conduct the community boundaries review on behalf of the council and s32 enables the commission to conduct the community electoral arrangements review.
- 2.4** S35 and 36 of the Act require that the review is conducted in four essential steps
 - Initial publicity – publicise the review, specifically brining to the attention of ‘mandatory consultees’ and any other interested or affected stakeholders.
 - Initial investigation and consultation – consult ‘mandatory consultees,’ conduct investigations for example considering the number of electors via the electoral register and the population eligible to vote as per the Office for National Statistics. The purpose of this stage is to gather information needed to consider and prepare any proposals for change and will last between 6 to 12 weeks.
 - Draft Proposals – this stage will include a report detailing how the review has been conducted and setting out proposals. A consultation period will be conducted, and we will invite representations as this stage.
 - Final Proposals – the proposals will be considered in light of any representations received during the draft proposals stage and a final report published.
- 1.12** Best practice should be followed at all stages of the review and should include a Terms of Reference, whilst also having regard for Council Size Policies and the amalgamation and grouping of communities.
- 2.5** The Council in consultation with the Commission has developed a proposed Terms of Reference (“ToR”) of the review., at Appendix A. The ToR sets out the proposed timetable and procedures for the review, provide guidance and sets out the issues that will be considered during the review.
- 2.6** The Council Size Policy, which form part of the ToR (and contained at Appendix B) is **not prescriptive** to the review and is subject to consultation. The ratios contained within the policy will be used as a point of reference. Each area should be considered on its own merits having regard to population, geography, and the pattern of communities. The Council in consultation with the Commission will

pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

- 2.7** In determining whether additional representation is required for a community, the council will have consideration to the levels of uncontested seats at community level since the last review of electoral arrangements was undertaken in 2009. In due course the community boundaries will guide the review, not the electoral arrangements.
- 2.8** Prior to commencement of the review in January 2023, mapping data and a copy of the register published on 1st December, 2022 will be provided.
- 2.9** Community Councils have the opportunity, through their engagement in the community review, to ensure that the boundaries of their community reflect how their community operates on the ground and the representation of their constituents is appropriate. A cross party group has been set up consisting of local authority staff from Planning, Education, Democratic Services and Communications along with representatives from Community Councils, and Group Leaders. The Electoral Services Manager will facilitate this. This work will include hosting briefing sessions and workshops with Town and Community Councils at a suitable Vale of Glamorgan venue, to be undertaken by representatives of the Commission, and supported by the Electoral Services Team.
- 2.10** The Council undertook pre-engagement, and a report was considered by the Community Liaison Committee on [27th October](#). The purpose of that report was to provide an early indication of the review and the work involved in that review. It is recommended that this report be referred to Community Liaison Committee for information, but given that the review will commence in January 2023, it is also recommended that a copy of the report be issued to all Town and Community councils in the meantime.
- 2.11** At the conclusion of an s25 boundaries review, the principal council may recommend “community boundary changes”. These are defined in section 23(4) of the Act as including changes to the boundary of an existing Community Council, but also the abolition of an existing community and the creation of a new community.
- 2.12** At the conclusion of an s31 electoral review, a principal council is entitled to “propose and make” changes to the electoral arrangements for the community under review. Consideration in this instant should be given in particular to the degree in which ‘electoral parity’ is achieved.
- 2.13** Further updating reports will be taken to Cabinet, and at critical points in the process, to Full Council, as necessary, and in line with the requirements of the Act. Given that the conclusions and recommendations of the Review will be a matter for Council, it is recommended that this report be presented to Council at this point, for information purposes.
- 2.14** Suggested timescales, based on information currently available, suggest a completion of a full review, taking into account statutory requirements of approximately 18 to 24 months commencing January 2023.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The review of community arrangements safeguards the long-term needs of local residents to ensure an effective and convenient local government and electoral equality.
- 3.2** The Vale of Glamorgan Council will be submitting a proposal to the Commission in line with effective collaboration between bodies.
- 3.3** The Commission are undertaking the review, but the Vale of Glamorgan Council will ensure that it will support the Commission in ensuring the relevant notices are published and facilitating presentations to encourage engagement with stakeholders.

4. Climate Change and Nature Implications

- 4.1** There are no direct climate change implications associated with the undertaking of that review.

5. Resources and Legal Considerations

Financial

- 5.1** The publishing and administrative costs of the review will be met from the Electoral Registration Services existing budget.
- 5.2** The total fees payable to the Commission will be approximately £30,000 based on a tier 1 advertising and promotion. An exact figure cannot be provided at this stage, due to some of the fees being charged at cost as and when they occur. A breakdown is included below.

Boundary Commission Flat Fee - £13,500

Translation – Recharged at cost

Printing – Recharged at cost

Postage – Recharged at cost

Travel & Sustenance – Recharged at cost

Advertising and Promotion – Recharged at cost

Three tiers have been created in relation to this, and it is up to the Council to decide which option would best suit our needs.

Tier 1	Front page ads in each local newspaper, twice per Review stage	Social media advertising to reach equivalent of 100% of residents, for each Review stage (600% across Review)
Approx. £9,141.20		

Tier 2 Approx. £4,570.60	Front page ads in each local newspaper, once per Review stage	Social media advertising to reach equivalent of 300% of residents across Review
Tier 3 Approx. £1,176.19	Front page ads in each local newspaper at start of Review and select titles at other stages	Social media advertising to reach equivalent of 100% of residents across Review

Employment

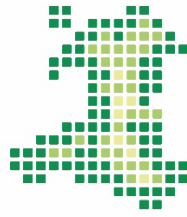
5.3 There are no employment implications arising as a result of this report.

Legal (Including Equalities)

- 5.3 Each principal council has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities for the purpose of considering whether to make or recommend changes. These changes are brought about by means of community boundary reviews under s25 and community electoral reviews under s31 of the Act.
- 5.4 The statutory process for conducting a community review is set out in Part 3 of the Act.
- 5.5 Section 34 of the Act stipulates the 'mandatory consultees' for a community review.
- 5.6 When conducting a community review the principal council must have regard to its statutory obligations – for example obligations under the Wellbeing of Future Generations Act 2015, Welsh Language Standards, and the Equality Act 2010, which will all influence and inform the conduct and decisions made during a community review.

6. Background Papers

None.



Comisiwn Ffiniau a
Democratiaeth Leol
Cymru

Local Democracy and
Boundary Commission
For Wales

REVIEW OF COMMUNITY ARRANGEMENTS

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Introduction

The legislation that covers community reviews is the Local Government (Democracy) (Wales) Act 2013 (the Act). Under the Act the Local Democracy and Boundary Commission for Wales (the Commission) has a general duty to monitor arrangements for local government across Wales. Each principal council however has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities for the purposes of considering whether to make or recommend changes. These changes are brought about by means of community boundaries reviews and community electoral reviews.

The Commission is conducting a review of community arrangements following a request received from the Principal Council (the Council). This review is being carried out under section 26 of the Act.

The first stage of the review is to ask all interested parties to consider the current community boundaries and submit their views on any changes required to create communities that provide for effective and convenient local government. All submissions will then be considered, and the Commission will publish a Draft Proposals Report and will hold a consultation on those proposals. All submissions will then be considered, and Final Recommendations will be submitted to Welsh Government Ministers. Welsh Government Ministers will then if it thinks fit, to give effect to these recommendations either as submitted, or with modifications.

The review will start in January 2023 with final recommendations being provisionally scheduled to be submitted for adoption in January 2024.

Why are we undertaking this review?

The Commission has received an official request from the Council to review the community arrangements across the principal council area with the aim of ensuring that communities continue to reflect local identities and facilitate effective and convenient local government.

What is the aim of the review?

The Commission aims to ensure that community boundaries reflect the identities and interests of the communities across the principal council area and that they are both effective and convenient.

As part of the review, the Commission will have regard to:

- the creation, abolition or merging of communities and community wards
- the name of the community and, where warded, the name of community wards
- Where changes have been made to the boundaries of communities or community wards the number of councillors representing the community and, where warded, the number of councillors per ward.

What can be considered under this review?

This review will look at the community boundaries across the principal council area. Any changes to electoral arrangements for communities will only be considered as a consequence of any changes to community boundaries.

Who will undertake this review?

The Commission has entered into an agreement with the principal council to exercise the councils' functions under section 25 (5) of the Act. The Commission is therefore responsible for undertaking the review under section 26 of the Act. On completion of the review the Commission will submit recommendations to Welsh Government Ministers. Welsh Government Ministers will then if it thinks fit, to give effect to these recommendations either as submitted, or with modifications.

Public Consultation and Submissions

When undertaking the review, the Commission is required to undertake such steps as it thinks fit to ensure that persons who may be interested in the review are informed of the review and are informed of any draft proposals or recommendations. The Commission undertakes to meet these duties by writing to:

- The Principal Council
- The Town and Community Councils across the principal council
- The Senedd Member representing the area,
- The Regional Senedd Members for the area,
- The Member of Parliament representing the area
- The principal council elected members
- Welsh Language Commissioner
- The Welsh Government, and
- Ordnance Survey.

The Commission will also give official notice at different stages of the review, deposit copies of reports and documents at the Principal Council's Election Office and place appropriate documents on the Commissions website.

Comments and submissions may be made at two stages of the review, the initial investigations and draft proposals consultation periods.

All comments and submissions will be given due consideration in the review if the following criteria are met: -

- Comments are received by 11.59pm of the timetabled deadline.
- All comments are received with a name and address identifying the sender. Anonymous submissions will not be accepted, though personal details of members of the public will not be made public. Submissions from representative bodies and persons such as Councillors and Members of the Senedd etc will be named within the report.
- Where an organisation or an individual is making submissions concerning the review, they shall show how either maintaining the status-quo or making changes are desirable in the interests of effective and convenient local government.

Council Size Policy

The Commissions' community review will be undertaken subject to section 26 of the Act and therefore will focus on making boundary changes to ensure that community boundaries reflect the identities and interests of the communities across the principal council area and that they are both effective and convenient. Any consequential changes to electoral arrangements will only be made when changes to community or community ward boundaries have been made.

The principal council has stated that communities should be represented by no less than 7 councillors and no more than 25 councillors. The principal council has also stated that community wards should be consist of no less than 1000 electors.

Welsh Language Names Policy

In the creation of any new names the Commission will consult the Welsh Language Commissioner (WLC). The WLC is responsible for advising on the standard forms of Welsh place-names. The WLC has convened a Place-names Standardisation Panel to provide recommendations and expert advice in this field. In forming its recommendations, the Panel follows national standardisation guidelines and also gives consideration to the meaning, history and etymology of the place-names, as well as their usage. The WLC will be included as a mandatory consultee in the review.

Timetable for the Review

The review will start in January 2023 with final recommendations being provisionally scheduled to be submitted in January 2024. Any changes that occur as a result of the review process would then come into effect for the next Local Government Elections.

Action	Period	Date
Start of Review		January 2023
Initial Investigations	8 Weeks	January 2023 to March 2023
Draft Proposal Publication/ Consultation	8 Weeks	June 2023 to August 2023
Final Recommendation Submission		January 2024

Supporting Information

Further information relating to the review, including electorate figures (provided by the Principal Council), a map of the existing community boundaries and guidance, are available on the Commissions' website.

Vale of Glamorgan – Council Size Policy

Ahead of the Vale of Glamorgan Council reviewing its community boundaries, this document seeks to set out our Council Size Policy. It has been drafted having consideration to section 2.12 and 2.15 of the Local Democracy and Boundary Commission for Wales (LDBCW) guidance, published in October 2016. [1 \(gov.wales\)](https://gov.wales) Additional guidance has been provided to us in the form of the Council Size Policy adopted by Monmouthshire Council during its recent community boundary review, and some regard has also been given to this.

The Council consider the above information is relevant to the review of communities and electoral arrangements and will seek to:

- Ensure that a community has no fewer than 1,000 electors
- Consider strong, evidence-based arguments to create a community that has fewer than 1,000 electors and more than 150 electors
- Will not create a community for less than 150 electors
- Ensure that each community that is created is represented by a minimum of 7 councillors

The Council accept that it will not be able to apply a one size fits all approach to the setting of communities and community wards in the Vale of Glamorgan however, the Council also believe that a consistent approach needs to be applied to the levels of representation that communities and community wards will provide.

The communities created will fall into one of three categories as follows.

Rural – A community where there is no dense area of population, and the electorate is spread throughout the area within the boundaries that have been defined for that community.

Urban – A community where the electorate is densely populated within the boundaries that have been defined for that community.

Mixed – A predominantly rural area that contains a pocket of dense population within the boundaries that have been defined for that community.

The Council consider the following councillor: elector ratios for each category relevant as part of this review to achieve a consistent level of representation between communities with similar characteristics.

- Rural – 150 electors per councillor
- Urban – 500 electors per councillor
- Mixed – 200 electors per councillor

The Council would like to make clear that the ratios stated above are **not prescriptive** to the review and are subject to consultation. The ratios in this policy will be used as a point of reference. Each area should be considered on its own merits having regard to population, geography, and the pattern of communities. This will be particularly relevant when considering the towns of Penarth and Barry, given

their scale. Likewise, the nature of areas classified or characterised as 'mixed' will differ and regard will be had to the fact that two existing town councils of Llantwit Major and Cowbridge with Llanblethian are categorised as 'mixed' in nature when considering the Council size policy. We will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

In determining whether additional representation is required for a community, the council will have consideration to the levels of uncontested seats at community level since the last review of electoral arrangements was undertaken in 2009. It should also be noted that the community boundaries will guide the review, not the electoral arrangements.

Whilst the Council acknowledges that these ratios will still provide varying levels of representation throughout the Vale of Glamorgan, it will ensure that the level of representations received in communities with similar characteristics is consistent. At the same time the Council will also ensure that smaller, rural communities receive adequate representation at local government level.



Llywodraeth Cymru
Welsh Government

Clerks of Community and Town Councils,

Directors of Finance,

County and County Borough Councils

November 2022

Dear Clerk,

**Appropriate Sum under Section 137(4)(a) of the Local Government Act 1972 -
Section 137 Expenditure Limit for 2023-24**

This is to notify you that the appropriate sum for the purposes of section 137(4)(a) of the Local Government Act 1972 (the 1972 Act) for Community and Town Councils in Wales for the financial year 2023-24 is £9.93.

Section 137(1) of the 1972 Act permits each Community or Town Council to incur expenditure for purposes for which it has no other specific powers if the Council considers that the expenditure is in the interests of, and will bring direct benefit to, the area or any part of it, or all or some of its inhabitants, providing that the benefit is commensurate with the expenditure incurred. Community and Town Councils are also permitted under section 137(3) to incur expenditure for certain charitable and other purposes. The maximum expenditure that can be incurred under both section 137(1) and (3) for the financial year 2023-24 will be £9.93 per elector.

For the financial year 2023-24, the appropriate sum for the purposes of section 137(4)(a) is calculated by applying the formula set out in Schedule 12B to the 1972 Act. The Retail Prices Index increased by 12.6% between September 2021 and September 2022. This means that, by application of the formula, the appropriate sum for the financial year 2023-24 increases from £8.82 to £9.93 per elector.

For clarity, the Local Government and Elections (Wales) Act 2021 includes provision which enables 'eligible community councils' to exercise the General Power of Competence. The power for Community and Town Councils to exercise the General Power of Competence came into force on 5 May 2022.



Llywodraeth Cymru
Welsh Government

The relevant statutory guidance for community and town councils explains the interaction between the two powers (i.e. the general power of competence and the power under s.137 of the 1972 Act). Community and town councils exercising the General Power of Competence are not subject to an expenditure limit, but other conditions apply. For all other community and town councils, the limit set out in this letter will apply.

Yours sincerely

Martin Bull
Local Government Finance Policy & Sustainability Division

Mossfords

2nd November 2022

Our Ref: SDM20211019/Cow/WMem

Ms. Cathy Kennedy
Town Clerk
Cowbridge Town Council
Town Hall
Cowbridge
CF71 7AD

Dear Ms Kennedy

Re: War Memorial Maintenance- Cowbridge

We are writing to inform you that the above memorial received the 2nd and final Maintenance Visit of your 1 Year Agreement on 21st October 2022.

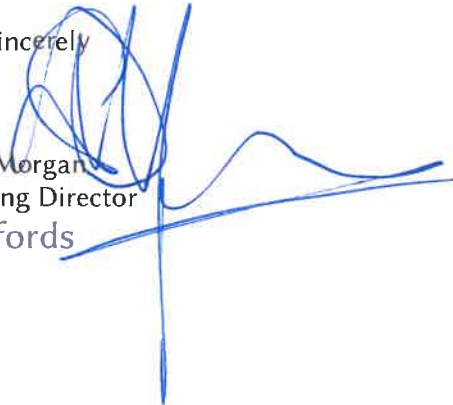
All the inscriptions were carefully cleaned and attended to and all other parts of the memorial were professionally cleaned, all joints were inspected and re-pointed where necessary and the memorial was inspected for any issues or problems of which we found none we are pleased to report.

This now brings an end to the current Maintenance Agreement – should you wish to continue to have the memorial regularly maintained then we would be pleased to do so.

Please find enclosed a Memorial Maintenance Renewal Agreement. Should you wish to continue with this service then please sign and return this to us together with payment for the sum shown. This can be by cheque with the returned agreement or by bank transfer - see details at the bottom of the agreement – using the reference:
2023CowWarMemMain

Should you have any queries or if we can be of any further assistance then please do not hesitate to contact us.

Yours sincerely


Simon Morgan
Managing Director
Mossfords

War Memorial Maintenance Agreement

Name: Ms. Cathy Kennedy
Town Clerk, Cowbridge with Llanblethian Town Council
Address: Town Hall
Town: Cowbridge
County: Vale of Glamorgan
Post Code: CF71 7AD
Email: townclerk@cowbridge-tc.gov.uk
Telephone Number: 01446 773385 – 07708 443415

SITE: COWBRIDGE WAR MEMORIAL – Cowbridge High Street

Maintenance Months:

April/May 2023 and then October 2023 in readiness for Remembrance Sunday

Period Of Duration:	<u>1 Year</u>	or	<u>3 Years</u>
Pre-paid Sum Due:	£468.00		£1,320.00
Value Added Tax @ 20%	<u>£ 93.60</u>		<u>£ 264.00</u>
TOTAL AMOUNT DUE:	£561.60	or	£1,584.00

Signed: **X** **X** Date:20

Please send a **CHEQUE** payable to **WAR MEMORIAL RESTORATION COMPANY** or

Please **TELEPHONE** to make payment by **DEBIT CARD** or **CREDIT CARD**

OR Should you wish to pay by direct bank transfer then please **use our reference: 2023CowWarMemMain** for the payment and use the following bank details – we will send you a receipt when payment has been received:

Bank: **HSBC** Account Name: **MS-Group Ltd** Account Number: **91048821** Sort Code: **40-36-06**

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The Finance & Governance Toolkit for Community and Town Councils

November 2022

Mae'r ddogfen yma hefyd ar gael yn Gymraeg. / This document is also available in Welsh.

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Introduction

Developed jointly by One Voice Wales, the Society of Local Council Clerks (SLCC) and Welsh Government, with commentary from Audit Wales, this toolkit aims to support community and town councils in Wales to:

- review the financial management, governance and accountability arrangements they have in place; and
- consider how effective these arrangements are, and how they might be improved.

Community and town councils are an integral part of local government; democratically elected and working at the most local level to improve their communities.

Community and town councils are also responsible, and accountable, for the conduct of public business and for spending public money. By law, councils need to ensure they safeguard, properly account for, and use the public money they have been entrusted with economically, efficiently and effectively.

All councils are expected to have high standards of stewardship – this begins with compliance with legal requirements, but over and above this it is about achieving the best outcomes for the people and communities you serve.

Self-assessment is a way of critically, and honestly, reviewing the current position to make decisions on how to secure improvement for the future. Using this toolkit will help ensure your council has the capability and capacity to properly serve your community, enabling you to identify and act on opportunities to improve the way your council works, and ensure you deliver the best outcomes for your communities.

This is not an audit tool, but it will help you assess whether your council is meeting certain statutory requirements that external auditors and the public would expect to see. It is about providing assurance that the council is operating effectively. It can be used to support your internal controls and can help identify ways your council can continuously improve and positively impact on your community.

This toolkit has been endorsed by One Voice Wales and SLCC who would strongly encourage councils to use it. While you are not required to formally report the findings of your self-assessment, you may wish to publish a summary of the findings, and the actions you intend to take in response, on your website and / or in your annual report. Doing so would represent a commitment to being open and transparent with the communities you serve.

How to use the toolkit

The toolkit is made up of two parts:-

- **Part 1: The health check**

The health check is designed to be completed by the clerk, working with the chair or a small group of members as appropriate, to **assess whether fundamental governance and financial management arrangements, policies etc are in place**, highlight any action that needs to be taken, and report back to full council or a designated committee.

- **Part 2: The self-assessment**

The self-assessment will enable councillors to use the findings from Part 1, and other forms of evidence available, to **reflect more deeply on how the council is operating, managing its finances and governing itself**. The questions will support consideration of what arrangements the council has in place, **and importantly how the council is working for and with the local community to achieve the greatest impact on the well-being of its area**. This element of the toolkit also contains details of a range of resources that can be drawn upon to inform action planning to respond to the findings of both the health check and self-assessment.

Both components of the toolkit cover five key areas of community and town council activity:-

- Vision, purpose and community planning
- Leadership and people
- Community engagement and partnerships
- Business processes
- Resources and financial management

Part 2, the self-assessment, also has an additional theme called evaluating impact, which will enable the council to reflect on the benefit it brings to the community to inform its future work.

How you and your council use the toolkit is up to you. You can **complete the whole toolkit in a single exercise on an annual cycle, or you may wish to spread this out over weeks and months** – although it is encouraged that you keep any work current and relevant.

The toolkit is designed to be used flexibly, enabling your council to decide where to focus its attention. For example, the council may choose to complete the entire health check first and use that to inform the consideration of the more in-depth self-assessment; or the council could decide to look at a specific theme in both the health check and the self-assessment in parallel before moving on to the next theme.

Councils are encouraged to approach completing the toolkit honestly and objectively. Doing so will help you understand areas which are working well and areas where improvements are needed.

Taking action following completion of the toolkit

Through the health check and self-assessment parts of the toolkit, the council will identify areas for action to strengthen its governance and financial management arrangements. Completing the toolkit should be considered the start of the process, not an end in itself. The conclusions from the health check and self-assessment should inform a plan for action to be taken and the council should be proactive in implementing this.

There are places for the council to record proposed key actions in the toolkit itself, as well as many helpful resources which can assist in taking action on the findings from the health check and the self-assessment.

The council should keep their findings under review and repeat periodically. The council may wish to include as a standard agenda item for the annual meeting or the meeting in June held to approve the annual governance statement, or perhaps include on its project plan for the year ahead.

The conclusions reached following the completion of the toolkit will also inform other aspects of the council's work. For example:-

Annual reports

Completing this toolkit will support preparation of the council's annual report as required by section 52 of the [Local Government and Elections \(Wales\) Act 2021](#). Annual reports set out the council's priorities, activities and achievements during the year, and the toolkit will naturally assist the council in reviewing these points, as well as thinking ahead to future priorities.

Training plans

Community and town councils have a duty under section 67 of the [Local Government and Elections \(Wales\) Act 2021](#) to consider training for councillors and community council staff from 5 May 2022, publish their first council training plans by 5 November 2022 and make a new training plan no later than three months after each subsequent ordinary local government election. It is not the intention to ensure that each and every councillor necessarily receives training on the same subjects but to seek to bring about a situation where the councillors as a group, and the staff collectively, possess the knowledge, skills and awareness they need to operate effectively. Completing this toolkit will support the council in considering what training should be prioritised to ensure it has effective governance and financial management in place.

[Annual Governance Statement](#)

Completing the toolkit will be helpful to the council in completing its annual governance statement and return for submission to the Auditor General for Wales.

[General power of competence](#)

Part 2 of the [Local Government and Elections \(Wales\) Act 2021](#) makes provision for eligible community and town councils to exercise a general power of competence, with the aim of bringing about more effective, capable and innovative local government. The general power will allow eligible councils to act in their communities' best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade.

The conditions which community councils must meet to be able to resolve themselves an 'eligible community council' are:

- at least two-thirds of the total number of members of the council have been declared to be elected whether at an ordinary election or at a by-election;
- the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations; and
- the council satisfies the audit condition.

Part 1: The health check

Introduction and how to use

This health check is designed to be completed by the clerk, working with the chair or a small group of members as appropriate, to assess whether **fundamental** governance and financial management arrangements, policies etc are in place, highlight any action that needs to be taken, and report back to full council or a designated committee.

The health check is split into five key themes:

- [Vision, purpose and community planning](#)
- [Leadership and people](#)
- [Community engagement and partnerships](#)
- [Business processes](#)
- [Resources and financial management](#)

Each theme has a series of statements which require only a yes or no answer to indicate whether the council has that arrangement in place.

Where relevant, some further information has been included next to the statement. Click on any underlined text in the further information column to access additional resources.

Where a statement reflects a statutory obligation, the statement is shaded blue for ease of reference.

The final column in the health check should be used to note the assessment of the council's position in relation to the statement, along with details of any action required and how quickly the action would need to be implemented.

There is space at the end of each theme to summarise actions for that theme, and space at the end of the health check to [summarise the key actions to be taken as a result of Part 1 - The health check](#) in one place.

Theme A – Vision, purpose and community planning

A community and town council provides community leadership. In exercising this role it will benefit from having a clear vision for its community, developed in partnership / consultation with all sections of the community. This will inform council plans, budgets and activities to ensure the council best works with and in the interests of the community.

	Statutory obligation
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Theme A – Vision, purpose and community planning			
Statement	In place? (Yes/No)	Further information	Comments and actions
The council has a clear vision and plan for its community			
A.1 A vision and purpose statement has been agreed by the council		Having a clear vision and purpose agreed by all members will help your council in achieving for its community.	
A.2 The council has prepared and published a biodiversity plan and reports on the actions taken to improve biodiversity and promote ecosystem resilience every three years.		Environment (Wales) Act 2016, Section 6 Councils have a duty to maintain and enhance biodiversity in the exercise of its functions, and must prepare and publish a plan setting out what it proposes to do and report on the actions taken to improve biodiversity and promote ecosystem resilience every three years. See Introduction to the Section 6 Biodiversity and Resilience of Ecosystems Duty ; Environment (Wales) Act 2016 Part 1: Guidance for Section 6 – the Biodiversity and	

Theme A – Vision, purpose and community planning			
Statement	In place? (Yes/No)	Further information	Comments and actions
		Resilience of Ecosystems Duty Frequently Asked Questions ; The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting guidance ; The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting requirement frequently asked questions ; The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting template ; and The Section 6 Biodiversity and Resilience of Ecosystems Duty: example reporting template . Example plans and reports from the first reporting round: Abertillery and Llanhilleth Community Council ; Llanfoist Fawr Community Council	
A.3 The council has completed an annual report on progress in meeting objectives contained in the local well-being plan		Well-being of Future Generations (Wales) Act 2015 – Section 40 places a duty on certain community and town councils to take all reasonable steps towards meeting the objectives included in the local well-being plan that has effect in their areas. A community or town council is subject to that duty only if its gross income or expenditure was at least £200,000 for each of the three	

Theme A – Vision, purpose and community planning			
Statement	In place? (Yes/No)	Further information	Comments and actions
		financial years preceding the year in which the local well-being plan is published.	
A.4 The council has prepared an annual report		Local Government and Elections (Wales) Act 2021 – Section 52 From April 2022 community and town councils have a duty to prepare and publish a report about the council's priorities, activities and achievements. Statutory guidance has been issued on the duty to prepare and publish an annual report.	

Theme A – Vision, purpose and community planning – Summary of actions

Summary of actions	By who	By when
•	•	•

Theme B – Leadership and people

The council should respect the values of openness and transparency and adhere to, and model, the behaviours and standards set for all councillors as contained in the code of conduct. In leading its community, the council should be committed to enhancing its capability and capacity as is commensurate with its range and scale of operations.

Employees are the principal asset of any council and it is important that they are given the trust and respect to perform their roles to their maximum ability within a safe working environment. Training and development of employees is vitally important as well as having appropriate systems in place to provide adequate reward, recognition and accountability within a framework of effective employment policies.

	Statutory obligation
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Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
The council provides leadership to its members and staff			
B.1 The council has adopted a code of conduct		The Code of Conduct for members of local authorities in Wales: Guidance from the Public Services Ombudsman for Wales The council should formally record in minutes that they have adopted a code of conduct based on the model code of conduct.	
B.2 All councillors have signed a formal declaration of acceptance of office		A formal declaration of acceptance of office must be signed before an individual is able to act as a member of a community and town council.	

Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
B.3 All councillors have been provided with a copy of the council's adopted code of conduct			
B.4 All councillors have a council email address or a separate email address for council business			
B.5 All councillors have received training on their role and training needs are regularly reviewed		One Voice Wales, Planning Aid Wales and principal councils provide a range of opportunities for training of members in relation to their roles. The council <u>must</u> develop a training plan and maintain a record of training received. A training plan template is available to One Voice Wales members on request.	
B.6 All payments to councillors are made in line with the levels set out by the Independent Remuneration Panel for Wales		The Independent Remuneration Panel for Wales Annual report and guidance on payments to elected members is available on its website.	
B.7 A statement of payments to councillors is published by 30		Community and town councils must publish a statement of payments detailing all payments made to elected members in the previous	

Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
September each year detailing payments made to elected members in the previous municipal year		municipal year. Nil returns must also be reported. See Independent Remuneration Panel for Wales guidance .	
The council carries out its employment duties			
B.8 All employees have a written employment contract setting out the terms of their employment		See ACAS – What an employment contract is One Voice Wales and SLCC have model contracts of employment for clerks which are available to members.	
B.9 All employees have an up-to-date job description		One Voice Wales and SLCC can provide guidance to member councils in relation to the preparation of a job description and person specification.	
B.10 Any changes to terms and conditions, including salary increments, are recorded and approved by the council		Councils must ensure that all changes to terms and conditions are properly approved and recorded.	
B.11 All staff have been given a copy of the employee code of conduct		The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001	
B.12 The council has core employment		One Voice Wales and SLCC can provide member councils with a suite of policies and procedures.	

Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
policies in place, for example:- • Adoption and Paternity Policy • Alcohol, Drugs and Substance Misuse Policy • Annual Leave Policy • Appraisal Scheme • Bullying and Harassment • Capability Policy • Code of Conduct for Employees • Dignity at Work Policy • Discipline and Grievance Policy and Procedure • Equality and Diversity Policy • Health and Safety at Work Policy • Maternity Leave Policy		The ACAS website also contains a range of model policies and procedures	

Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
• Member / Officer Relations Protocol • Recruitment Procedure • Shared Parental Leave Policy • Attendance Management Policy • Stress Management Policy • Time off in Lieu Policy • Training Policy • Whistleblowing Policy			
B.13 The council is registered as an employer with HMRC		All councils must operate PAYE unless no staff:- • earn above the lower national insurance threshold; and • have any other source of income. In practice, this means that very few clerks, even of small councils, will fail to be exempt from PAYE. Other sources of income include income from pensions as well as other	

Theme B – Leadership and people			
Statement	In place (Yes/No)	Further information	Comments and actions
		employments. See GOV.UK PAYE and payroll for employers	
B.14 All overtime payments are paid through the normal payroll process and subject to PAYE		All additions to salary must be subject to PAYE	
B.15 Any additional allowances paid to staff are subject to tax where appropriate		Fixed sum allowances for home working are limited by HMRC . Payments above this amount are taxable and should be taxed through PAYE or entered onto a P11D return. Mileage payments are also subject to tax when they exceed mileage allowances specified by HMRC – currently 45p per mile.	
B.16 The council complies with pensions legislation		See The Pensions Regulator website	
The council gives its staff the resources and support to carry out their role			
B.17 All staff have received appropriate training for their role		The council must develop a training plan and maintain a record of training received. A training plan template is available to One Voice Wales members on request.	
B.18 All staff have council email addresses and access to council IT systems		Council staff should not use personal email addresses for council communications, or save council documents to personal computers, for reasons of information security.	

Theme B – Leadership and people – Summary of actions

Summary of actions	By who	By when
•	•	•

Theme C – Community engagement and partnerships

Community and town councils play an active role in engaging, involving and consulting with their communities. An effective council understands its community's (people and places) needs and desires, and knows the positive difference it is making. Councils should aim to ensure that no one feels disadvantaged, and that all groups within the community are engaged.

A partnership is an agreement to do something together that will benefit all involved, bringing results that could not be achieved by a single partner operating alone and reducing duplication of efforts. Partnership working allows services to be delivered in a joined-up way, such as through shared goals and/or sharing resources.

	Statutory obligation
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Theme C – Community engagement and partnerships			
Statement	In place (Yes/No)	Further information	Comments and actions
The council engages with its community			
C.1 The council has an agreed community engagement strategy		A community engagement strategy sets out how the council will understand its community, involve the community in their work and communicate with their electors.	
C.2 The community engagement strategy is reviewed periodically			
C.3 The council complies with the requirements of the		The council is expected to treat the Welsh language reasonably and proportionately in its dealing with the public.	

Theme C – Community engagement and partnerships			
Statement	In place (Yes/No)	Further information	Comments and actions
Welsh Language (Wales) Measure 2011		A scheme endorsed by the Welsh Language Commissioner sets out the principle, context and use of the Welsh Language and how it is applied to council activities and in the workplace. Welsh Language (Wales) Measure 2011, Part 4 Chapter 1: Duty to comply with standards – Welsh Language Commissioner – The Welsh Language Measure	
C.4 The council makes provision to translate documents when required			
The council communicates with its partners and community			
C.5 The council has an electronic presence / website		A community or town council must make certain information available electronically as set out in the Local Government (Democracy) Wales Act 2013 section 55 and associated guidance.	
C.6 The council publishes electronically a) Information on how to contact it and, if different, its clerk including— • a telephone number		See Welsh Government Statutory Guidance: Access to Information on Community and Town Councils Schedule 4 of the Local Government and Elections (Wales) Act 2021 includes changes to the Local Government Act 1972 relating to community council notices e.g. giving notice	

Theme C – Community engagement and partnerships			
Statement	In place (Yes/No)	Further information	Comments and actions
• a postal address • an email address b) information about each of its members, including— • the member's name • how the member may be contacted • the member's party affiliation (if any) • the ward which the member represents (where relevant) • any office of the council held by the member • any committee of the council to which the member belongs c) the minutes of the proceedings of the council's meetings and (in so far as is reasonably practicable) any documents which		of meetings and their arrangements and the issuing of a short note within 7 days of council meetings. These should be read in conjunction with section 55 of the Local Government (Democracy) (Wales) Act 2013, which requires community councils to make available electronically certain information and documents (including minutes of meetings).	

Theme C – Community engagement and partnerships			
Statement	In place (Yes/No)	Further information	Comments and actions
are referred to in the minutes d) any audited statement of the council's accounts			
C.7 The council has a social media policy published on its website			
C.8 The council has an agreed process for handling complaints which is published on its website		See model complaints handling process available from the Complaints Standards Authority Public Services Ombudsman Wales has legal powers to look into complaints about public services	

Theme C – Community engagements and partnerships – Summary of actions

Summary of actions	By who	By when
•	•	•

Theme D – Business processes

A process is a series of actions or steps taken to achieve a particular end. A well-run and well-managed council will have clearly defined processes in place for key areas of business. These processes give an overall structure for decision-making designed to:

- ensure compliance with legislative requirements;
- deliver consistent outcomes or results; and
- mitigate against risk by ensuring tasks are performed correctly.

Business processes are likely to be key indicators of the strength of financial management and governance arrangements of a community or town council. The following will support your council to reflect on areas where typically a council has established processes in place, and help you determine if you need to introduce new or different processes.

	Statutory obligation
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Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
The council operates high standards of accountability and governance in an open and transparent way			
D.1 The council has a set of standing orders to help govern the conduct of meetings, which is published on its website		Councils are subject to arrangements relating to the conduct of meetings and making decisions as set out in the Local Government Act 1972 , in particular Schedule 12 . The Local Government and Elections (Wales) Act 2021 made amendments to Schedule 12 of the 1972 Act which councils will also need to be aware of, see in particular Schedule 4 to the 2021 Act . In addition, it is strongly	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
		recommended that a council has its own standing orders. One Voice Wales and SLCC can provide model standing orders to member councils. Councils must have standing orders with respect to contracts for the supply of goods and materials or the execution of works (see Local Government Act 1972, s135).	
D.2 Councillors' declarations of personal and prejudicial interests are recorded in the minutes and published on a separate rolling register on its website		See The Code of Conduct for members of local authorities in Wales: Guidance from the Public Services Ombudsman for Wales	
D.3 The council has published a schedule of meetings on its website		Having an annual cycle of council and committee meetings in place to expedite business arrangements supports local democracy and demonstrates transparency and public accountability.	
D.4 The council holds an annual meeting in May		See Local Government Act 1972, Schedule 12, Part IV, section 23	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
		Note also the duty to hold an annual meeting within 14 days of an ordinary election of community councillors. The chairman should sign a declaration of acceptance of office.	
D.5 The council has clearly defined terms of reference (as appropriate) in place where it discharges functions to standing committees. The terms of reference should be published on the council's website		See Local Government Act 1972 section 101	
D.6 The council publishes all agendas and supporting background papers on its website at least three clear days before the meeting.		See Local Government Act 1972, Schedule 12, Part IV, section 26	
D.7 Councillors are served with a summons and receive copies of agenda papers and draft minutes at least three		See Local Government Act 1972, Schedule 12, Part IV, section 26	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
clear days before the meeting			
D.8 Members of the press and public are permitted access to council meetings and are supplied with copies of the agenda papers		See Public Bodies (Admission to Meetings) Act 1960 , and amendments to that Act provided for in Schedule 4 of the Local Government and Elections (Wales) Act 2021	
D.9 The council publishes all council / committee / subcommittee minutes on its website		See Welsh Government Statutory Guidance: Access to Information on Community and Town Councils Schedule 4 of the Local Government and Elections (Wales) Act 2021 includes changes to the Local Government Act 1972 relating to community council notices e.g. giving notice of meetings and their arrangements and the issuing of a short note within 7 days of council meetings. These should be read in conjunction with section 55 of the Local Government (Democracy) (Wales) Act 2013, which requires community councils to make available electronically certain information and documents (including minutes of meetings).	
D.10 The council makes and publishes		See Local Government and Elections (Wales) Act 2021 section 47 and chapter 2 of The	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
arrangements for multi-location attendance at community and town council meetings		Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils	
D.11 The council has approved scheme of delegations to committees and the clerk and these are published on its website		These must provide clear terms of reference for areas of responsibilities for committees and to facilitate the clerk taking urgent decisions between the cycles of meetings.	
D.12 The council has a documented constitution describing its general governance arrangements		A council constitution sets out the rules governing the council's business and how it operates and enhances local accountability and transparency. An example of a council constitution can be found on Llanelli Rural Council's website.	
D.13 The council produces and approves an annual business plan			
D.14 The council has a freedom of information publication scheme		The council must have documentation in place in order to comply with the Freedom of Information Act 2000 – Duty to have a publication scheme	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
		The Information Commissioner's Office has produced a Freedom of Information self-assessment toolkit	
D.15 The council has a current information and data protection policy, which is published on its website.		The council must comply with the Data Protection Act 2018 and General Data Protection Regulation 2018 (GDPR). The Information Commissioner's Office has published a guide to Data Protection and a guide to GDPR on its website. The Information Commissioner's Office has a checklist to help comply with data protection responsibilities The Information Commissioner has produced a checklist 'How secure is your personal data?'	
D.16 The council has completed and met the requirements of the Information Commissioner's data protection self-assessment checklist for organisations		A Data protection self-assessment is available on the Information Commissioner's Office website.	
D.17 The council has a current IT Information			

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
Security Policy, which has been issued to councillors and staff			
D.18 The council has a suite of privacy notices published on its website, email communications and other forms of client correspondence		Model policies and privacy notices available to members from One Voice Wales and the SLCC.	
D.19 The council has performed a data audit to assess what information it holds			
D.20 The council has a document retention policy published on its website			
D.21 The council periodically purges information which it no longer needs to keep			
D.22 The council keeps information disposal records			
D.23 The council has published an accessibility statement on its website and		See The Public Sector (Websites and Mobile Applications) Accessibility Regulations 2018	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
undertakes periodic reviews to ensure that the website remains compliant		See Understanding accessibility requirements for public sector bodies	
D.24 The council has a business continuity plan to help it continue to function should it encounter loss or damage to property		One Voice Wales can supply a selection of model policies to member councils on a consultancy basis.	
D.25 The council has an emergency plan to help support community resilience and which has been shared with the Emergency Planning Authority			
The council fulfils its duties and responsibilities in regard to health, safety and welfare			
D.26 The council has an extant Health and Safety Policy Statement		Employers must: Provide a safe working environment for employees and all other persons affected by	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
and associated procedures		its actions, including contractors and members of the public. Employees must: Act in accordance with the council's Health and Safety policy and supporting procedures and comply with all statutory regulations and Health and Safety legal requirements. See Health and Safety Executive website	
D.27 There is an annual budget in place to meet health and safety requirements			
D.28 The council has documented risk assessments in place and performs regular reviews (at least annually) of all its risk assessments to identify hazards and the adequacy of existing control measures across all activities and service areas			
D.29 The council has developed internal			

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
systems to manage the control measures set out in the risk assessments relating to council property and activities, and produces an annual action plan which is reviewed and reported to council			
D.30 The council has an accident report book and related investigation procedures			
D.31 The council has a stress management policy			
D.32 The council has a stress risk assessment			
D.33 The council facilitates and controls community events and has an events management plan to consistently regulate event activities safely			

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
The council understands how to manage its assets and facilities			
D.34 The council maintains a register of its assets		The Accounts and Audit (Wales) Regulations 2014, regulation 6 , requires the council to keep a record of all assets and liabilities held by the council.	
D.35 The council periodically examines and risk assesses its assets and prepares maintenance / repair plans		Councils need to ensure that their community based assets are safe for use by councillors, officers and the public.	
D.36 The council prepares a business case before entering into the acquisition of large value assets		Councils should ensure that they fully understand the implications and effects of acquiring assets. These may incur ongoing maintenance and running costs and may require the council to borrow money to finance the projects. Welsh Government guidance - Borrowing approvals: guidance for community and town councils	
D.37 The council has adequate insurance cover to protect employees, buildings,		Insurance must be in place to cover employees, members of the public, all buildings, contents and events.	

Theme D – Business processes			
Statement	In place (Yes/No)	Further information	Comments and actions
other property, cash and members of the public.		Insurance documents should be circulated and approved by full council. Certificates of insurance must be displayed in a prominent position at all council premises.	

Theme D – Business processes – Summary of actions

Summary of actions	By who	By when

Theme E – Resources and financial management

Community and town councils are entrusted with management of public funds and assets. All councils should have appropriate financial governance arrangements in place to ensure the security of these resources and to ensure that they achieve economy, efficiency and effectiveness in the use of those resources.

This theme considers the arrangements the council has put in place to manage its resources and covers both assets held and the council's finances. The questions here will provide confidence that the statutory and non-statutory procedures for good financial management are in place, or highlight areas where the council needs to make improvements.

	Statutory obligation
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Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
The council has suitable accounting and audit systems			
E.1 The council has a formally appointed responsible financial officer		Local Government Act 1972 section 151 requires the council to make arrangements for the proper administration of its financial affairs and to secure that one of its officers, the responsible finance officer, has responsibility for administration of those affairs. See chapter 4 of Governance and Accountability for Local Councils in Wales – A Practitioners Guide for further guidance.	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
E.2 The council has a complete and up to date ledger/cashbook		Accounts and Audit (Wales) Regulations 2014 - regulation 6 requires the Council's accounting records to: (a) be sufficient to show and explain a relevant body's transactions and to enable the responsible financial officer to prepare the accounting statements; and (b) contain— (i) entries from day to day of all sums of money received and expended by the body and the matters to which the income and expenditure or receipts and payments accounts relate; (ii) a record of the assets and liabilities of the body; and (iii) a record of income and expenditure of the body in relation to claims made, or to be made, by it for contribution, grant or subsidy.	
E.3 The council has clearly documented accounting procedures including any segregation of duties and a schedule of key records		The Accounts and Audit (Wales) Regulations 2014 require the responsible financial officer to determine the council's accounting control systems and ensure that the accounting control systems are observed. The accounting control systems must include—	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
		(a) measures to ensure that financial transactions are recorded as soon as reasonably practicable and as accurately as reasonably possible, measures to enable the prevention and detection of inaccuracies and fraud, and the ability to reconstitute any lost records; (b) identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions; (c) procedures to ensure that uncollectable amounts, including bad debts, are not written off except with the approval of the responsible financial officer, or such member of that person's staff as is nominated for this purpose, and that the approval is shown in the accounting record; and (d) measures to ensure that risk is appropriately managed	
E.4 The council has a schedule of its key accounting records		Councils should ensure that they are fully aware of all key accounting records including for example, burial register, cheque books, invoices, payroll records, contracts (including employment contracts)	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
E.5 There are documented arrangements for transfer of documents on change of responsible financial officer		Councils must ensure that all accounting records including contracts, payroll records, invoices etc are held securely and proper arrangements are in place for the transfer of records on changes in the clerk/responsible financial officer. This is particularly important where the council does not have its own office. The council's copy of the clerk's employment contract should not be retained by the clerk where the council does not have its own office.	
E.6 The council has and monitors a record of its earmarked reserves and balances and ensures that precept is not raised unnecessarily		See Governance and Accountability for Local Councils in Wales – A practitioners guide (2019 Edition) chapter 22 for guidance	
E.7 There is an agreed timetable for the preparation and approval of the Annual Return/statement of accounts		Preparing and agreeing a timetable for the preparation and approval of the annual return will enable the council to meet the statutory approval date of 30 June each year. Documenting these arrangements also assists in handover of responsibilities between outgoing and incoming responsible financial officers.	
E.8 The approval of the Annual Return is a set		See The Accounts and Audit (Wales) Regulations 2014, regulation 15	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
agenda item on the council meeting schedule to be approved by 30 June		Members will need to be mindful of the statutory timetable for approving the accounts and where the statutory dates are not met, establish why there is a delay and make arrangements to approve the accounts as soon as possible thereafter. Members must receive the full annual return 3 days before the meeting. The Accounts and Audit (Wales) Regulations 2014 requires that the council as a whole approve the accounting statements (contained in the Annual Return)	
E.9 Councillors receive appropriate evidence to support the governance assertions made in the annual governance statement as included in the annual return		Councils should not approve the annual return until they are satisfied that the assertions made in the annual governance statement are supported by sufficient evidence to justify the answers given.	
E.10 The council has a risk register which is reviewed at least annually		See Governance and Accountability for Local Councils in Wales – A practitioners guide (2019 Edition) chapter 9 for guidance	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
		The council should have 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 adequate insurance to protect employees, buildings, cash and members of the public.	
E.11 Appointment of the internal auditor and internal audit terms of reference are approved by the council		See Governance and Accountability for Local Councils in Wales – A practitioners guide (2019 Edition) – chapter 11 and appendix 2	
E.12 The effectiveness of internal audit is reviewed at least once in each year		Accounts and Audit (Wales) Regulations 2014 - regulation 7 requires that the council maintain an adequate and effective system of internal audit.	
E.13 Councillors examine the audit pack to be sent to the Auditor General for Wales to confirm the accuracy of the information provided			
E.14 The rights of the public in relation to the accounts are		See Accounts and Audit (Wales) Regulations 2014 – regulation 17	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
advertised at the appropriate times			
E.15 The council allows inspection of the annual return or statement of accounts and the supporting accounting records and other documents once the statement of accounts has been approved by the council		See Accounts and Audit (Wales) Regulations 2014 – regulation 17	
E.16 Councillors receive a copy of the Auditor General's final audit report and a copy of the Auditor General for Wales' certified annual return		The council should ensure they are aware of the outcome of the statutory audit and any issues identified so that its arrangements can be improved or errors corrected for future years	
E.17 The statement of accounts is published after the annual external audit, together with the auditor's report		See Accounts and Audit (Wales) Regulations 2014 – regulation 18	
The council has suitable financial management and financial assistance processes			
E.18 The council prepares a detailed		The Local Government Finance Act 1992 section 50 requires the council to calculate its budget requirement for the year and	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
budget each year prior to setting the precept		specifies how the budget requirement is to be calculated See Governance and Accountability for Local Councils in Wales – A practitioners guide (2019 Edition) – chapter 6	
E.19 The budget and the precept requirement are approved by the council			
E.20 The council receives periodic (monthly/quarterly) reports comparing income and expenditure against the approved budget, and where there are differences between actual and budget figures, the council ensures it receives detailed explanations of the differences		Regular monitoring of income and expenditure can help councils to identify financial issues before they become problems.	
E.21 The council receives and reviews periodic		The bank reconciliation is an important internal control as it provides evidence of the completeness and accuracy of the amounts recorded in the council's	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
(monthly/quarterly) bank reconciliations		accounting records. Reconciliations should be prepared whenever a bank statement is received and should be reviewed to confirm they have been properly prepared. Reviewers should seek evidence and explanations for reconciling items.	
E.22 Welsh Government consent is obtained before entering into long term borrowing to finance capital expenditure		Councils must obtain Welsh Government consent before entering into long term borrowing arrangements. Welsh Government publishes guidance on applying for borrowing approvals and an application form on its website.	
E.23 Arrangements are in place for internal audit of the council's accounting records and of its system of internal control, and for receipt of the internal audit report prior to the council's approval of the annual return		Accounts and Audit (Wales) Regulations 2014 - regulation 7 requires that the council maintain an adequate and effective system of internal audit.	
E.24 Standing orders are in place specifically for the procurement of the supply of goods,		Local Government Act 1972 section 135 requires all councils to make standing orders covering contracts for the supply of	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
materials, works and services		goods, materials and the execution of works. The standing orders must make provision to secure competition and to regulate the way in which tenders are invited. Section 135 of the Local Government Act 1972 allows for small contracts to be exempt and to make an exemption in a particular case. One Voice Wales and SLCC can provide model standing orders to members.	
E.25 The council reviews procurement thresholds in its standing orders and financial regulations to ensure they remain relevant		Model standing orders and financial regulations need to be tailored to fit the needs of the council.	
E.26 Significant items of expenditure and all contracts are reviewed to ensure compliance with the standing orders / financial regulations			
E.27 Exemptions to the standing orders / financial regulations are		Standing orders / financial regulations must be followed as a matter of course, any exceptions are expected to be rare and the	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
only applied in exceptional circumstances		reasons for departure should be documented / recorded in the minutes of the council.	
E.28 Documented procedures are in place for making payments to third parties and employees		The council should have clearly documented procedures for authorising and making payments. This is required to ensure: • Bank accounts are only opened with consent of the council • Direct debits and standing orders are properly authorised • Appropriate authorisation limits and procedures are in place to ensure that only approved payments are made • Access to council funds is safeguarded in case of departure of members/officers	
E.29 Payments are periodically reviewed to ensure that the appropriate procedures have been followed		Independent review of payments processes is an important control to limit the risk of fraud or other error arising.	
E.30 The establishment and ongoing payments made by bank standing order/direct debit are monitored		Bank standing orders and direct debits result in an ongoing series of payments and the council should ensure that it understands what the payments are for and the current level of payments made.	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
E.31 There is a documented policy and procedure for the award of grants		Adoption of a policy and specified procedure for the award of grants will help councils to decide between competing requests for support. Councils can set key criteria for eligibility, limits on the assistance that may be awarded and specify evidence required to support applications for funds. It also provides a clear trail from the application to the award of grant.	
E.32 The council calculates annually the maximum sum it is allowed to spend under the section 137 power		The amount councils are permitted to spend is limited to a multiple of registered electors as at January immediately before the start of the financial year. Councils need to ensure that they do not spend more than the allowed sum. The allowable amount is published annually by Welsh Government. Note - Once a council resolves itself an eligible community council for the purposes of the general power of competence, section 137 of the Local Government Act 1972 no longer applies to the council. Unlike section 137 there is no financial limitation on what an eligible community council can spend if they are exercising the general power of competence.	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
		See chapter 1 of The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils	
E.33 Before making a decision to award a grant for financial assistance under s137 of the Local Government Act, the council considers if the grant awarded is commensurate with the benefit that will be accrued to the community		Section 137 of the Local Government Act 1972 requires that the financial assistance awarded is commensurate with the benefit accrued to the community. Where a council has resolved itself to be an eligible community council under the Local Government and Elections (Wales) Act 2021 and the general power of competence is intended to be exercised, the conditions under section 137 do not apply. See chapter 1 of The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils	
E.34 Before making a decision to award a grant under s137 of the Local Government Act 1972, the council considers if it has a specific power to incur		The miscellaneous power cannot be applied to incur expenditure where there is an existing statutory provision that would allow the expenditure to be incurred. In addition these powers cannot be applied to circumvent a statutory prohibition on the expenditure being incurred.	

Theme E – Resources and financial management			
Statement	In place (Yes/No)	Further information	Comments
the expenditure rather than applying the section 137 power, or if there is a statutory prohibition on making such a payment			
E.35 The council keeps a separate account of all section 137 payments		See section 137 of the Local Government Act 1972	
E.36 For eligible community councils, which are therefore able to exercise the general power of competence, the council ensures it acts in accordance with the relevant sections of the Local Government and Elections (Wales) Act 2021 and associated guidance.		See Part 2 of the Local Government and Elections (Wales) Act 2021 and chapter 1 of The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils	

Theme E – Resources and financial management – Summary of actions

Summary of actions	By who	By when
•	•	•

Summary of all actions to be taken as a result of Part 1 – The health check

Summary of key actions	By who	By when
•	•	•

Part 2: The self-assessment

Introduction and how to use

The self-assessment is the **councillor-led** part of the toolkit. The self-assessment consists of six themes, the first five of which are the same as the themes contained in Part 1 – The health check:-

- [Vision, purpose and community planning](#)
- [Leadership and people](#)
- [Community engagement and partnerships](#)
- [Business processes](#)
- [Resources and financial management](#)
- [Evaluating impact](#)

Each theme contains one or more overarching governance statements that reflect the characteristics of effective governance of a community or town council. The **council should consider how it is operating in relation to each of the statements**, and is **supported to reach conclusions by a series of probing questions and examples of evidence** that it may wish to consider.

Each overarching statement is followed by:-

- **Questions to consider** - these will help you and your council understand and reflect on how the council is operating and where there is a need or opportunity to strengthen this area of your work.
- **Examples of evidence to review to inform assessment** - this contains suggestions of things that are likely to already be available to the council, and which may be helpful to you in reaching conclusions on how the council is operating in relation to the overarching statement. These are suggestions only and you should consider reviewing any evidence that you think will help inform your assessment. The completed Part 1 – The health check will also be a key piece of evidence to review as you think through the self-assessment questions.
- **Further information** – this section explains a little more about councils' responsibilities in relation to the theme / overarching statement, and contains sources of additional guidance, support and training to help bring about change or improvements to your working arrangements and processes. Click on any underlined text in the further information column to access additional resources.
- **Commentary** – this is space for your council to summarise its conclusions in relation to the overarching statement and questions.

- **Actions** – this is space for your council to record the actions it will take as a result of the assessment in relation to each overarching statement.

We suggest that the following steps are taken when using this part of the toolkit:-

- 1) Councillors review the self-assessment and form their own views on how the council is operating in relation to each of the themes and statements.
- 2) Councillors meet as a task and finish group or working group to compare their thoughts and arrive at an agreed view which can be summarised in the **commentary** box provided under each statement.
- 3) Based on the conclusions reached in the commentary box, record **actions** that the council proposes to take to develop, or further develop, in that area.
- 4) The summary of findings and proposed action may then be **discussed and agreed in a full council meeting**.

Your council may decide to complete all of the health check first and then all of the self-assessment, or you may choose to complete a theme in both the health check and the self-assessment in parallel before moving on to the next theme.

There is space at the end of the self-assessment to [summarise the key actions to be taken as a result of Part 2 – The self-assessment](#) in one place.

Theme A – Vision, purpose and community planning

A community and town council provides community leadership. In exercising this role it will benefit from having a clear vision for its community, developed in partnership / consultation with all sections of the community. This will inform council plans, budgets and activities to ensure the council best works with and in the interests of the community.

The council has a clear vision and plan for its community

Questions to consider

- Does the council have a plan for realising its vision and purpose?
- How are you involving the whole community in developing that plan?
- How does the council plan take account of its statutory obligations and functions?
- How does the council keep its plan under regular review?
- How does the council apply its vision when considering planning matters relating to the community?

Examples of evidence to review to inform assessment

- Documented vision, purpose and values statements
- Community planning tools
- Public consultation events and surveys
- Press releases and articles
- Statutory reports as appropriate for example:
 - Annual report on progress in meeting objectives contained in the local well-being plan
 - Published biodiversity plan and report
 - Annual report as required by Local Government and Elections (Wales) Act 2021

Further information

Regardless of its size, having a vision and purpose agreed by all members will help your council in achieving for its community. An agreed vision and purpose will provide a clear focus for decision-making on how to utilise the budget and resources available to deliver the outcomes that the people in the community want to see.

Involving the community in developing vision and purpose statements and the business plan ensures that the council can identify and act on the wants and needs of the community it has been elected to serve.

The council's business plan should reflect the agreed vision and purpose, provide an overall framework to focus the council's actions, and create the budget that determines the precept.

The values of the council will guide all aspects of its work and activities in terms of principle and practice. Councils can research the values adopted by other councils, normally displayed on their websites, and One Voice Wales can also supply examples to member councils to assist them in developing their own.

In considering what services to deliver, or what activities to support, 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 and in doing so contribute towards improving the social, economic, environmental and cultural well-being of Wales. Councils may find it helpful to use the five ways of working set out in the Well-being of Future Generations Act to guide their planning and decision making – long term, prevention, integration, collaboration and involvement. More detail on the ways of working can be found in [Well-being of Future Generations \(Wales\) Act 2015: the essentials](#)

The council should keep its plan under regular review to ensure it remains up-to-date and relevant.

Relevant statutory obligations

[Local Government and Elections \(Wales\) Act 2021, Section 52](#) – From April 2022 community and town councils have a duty to prepare and publish an annual report, as soon as reasonably practicable after the end of each financial year, about the council's priorities, activities and achievements. Councils must have regard to [guidance](#) about annual reports issued by Welsh Ministers. [See Part 3.](#)

[Chapter 5 of the Local Government and Elections \(Wales\) Act 2021.](#)

[Well-being of Future Generations \(Wales\) Act 2015](#) - The Act places a duty on certain community and town councils to take all reasonable steps towards meeting the local objectives included in the local well-being plan that has effect in their areas. A community or town council is subject to that duty only 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 a community or town council is subject to the duty, it must publish a report annually detailing its progress in meeting the objectives contained in the local well-being plan. Community or town councils which do not meet the criteria for being subject to the duty in section 40(1) of the Act but which still wish to contribute towards meeting the local objectives in the local well-being plan are welcome to do so on a voluntary basis.

[Environment \(Wales\) Act 2016, Section 6.](#) - Councils have a duty to maintain and enhance biodiversity in the exercise of their functions and a council must prepare and publish a plan setting out what it proposes to do and report on the actions taken to improve biodiversity and promote ecosystem resilience every three years. See also: [Introduction to the Section 6 Biodiversity and Resilience of Ecosystems Duty](#); [Environment \(Wales\) Act 2016 Part 1: Guidance for Section 6 – the Biodiversity and Resilience of Ecosystems Duty Frequently Asked Questions](#); [The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting guidance](#); [The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting requirement frequently asked questions](#); [The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting template](#); and [The Section 6 Biodiversity and Resilience of Ecosystems Duty: example reporting template](#).

Example plans and reports from the first reporting round - [Abertillery and Llanhilleth Community Council](#); [Llanfoist Fawr Community Council](#).

Community councils are able to decide whether to prepare one composite annual report covering the reporting duties in the Local Government and Elections (Wales) Act 2021, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016, or to produce three individual reports.

Resources and training

One Voice Wales has guidance on business planning and examples of business plans which are available to members. Researching the work of other councils can also be helpful in supporting the council to develop its own plan.

The [Understanding Welsh Places](#) website contains data and geographical information about local areas to help you identify opportunities for your community.

[Planning Aid Wales](#) provide planning training and guidance, community engagement tools and techniques including specific place plan support.

[Shape my town](#) – this is a practical toolkit to inspire local people to play a part in shaping their built environment

[Well-being of Future Generations \(Wales\) Act 2015: the essentials](#) – sets out the seven well-being goals and the ways of working to go about achieving the goals.

[Shared Purpose: Shared Future. Statutory guidance on the Well-being of Future Generations \(Wales\) Act 2015 – SPSF 4: Collective role \(Community councils\)](#) – guidance for community and town councils on their role in local well-being plans.

[Wales Biodiversity Partnership](#) – website for general information about biodiversity and what we can do to help, together with a dedicated section for the section 6 duty.

Commentary

Actions

We will:

-

Theme B – Leadership and people

The council should respect the values of openness and transparency and adhere to, and model, the behaviours and standards set for all councillors as contained in the code of conduct. In leading its community, the council should be committed to enhancing its capability and capacity as is commensurate with its range and scale of operations.

Employees are the principal asset of any council and it is important that they are given the trust and respect to perform their roles to their maximum ability within a safe working environment. Training and development of employees is vitally important as well as having appropriate systems in place to provide adequate reward, recognition, and accountability, within a framework of effective employment policies.

The council provides leadership to its members and staff

Questions to consider

- Do all councillors understand their obligations to ensure effective governance of the council?
- How do you ensure all members are trained in all aspects of their role?
- How do you ensure all members are suitably resourced to carry out their role?
- How do members and staff engage with recognised sector representative bodies (i.e. One Voice Wales and SLCC) to share and learn from good practice?

Examples of evidence to review to inform assessment

- Vision, purpose and values statements
- Declaration of acceptance of office
- Standing orders
- Code of conduct
- Arrangements for discharge of functions
- Records of attendance at council meetings
- Evidence of councillor training needs analysis and training undertaken

- Training plan
- Membership of One Voice Wales and the Society of Local Council Clerks

Further information

Responsibilities for effective governance

A formal declaration of acceptance of office must be signed before an individual is able to act as a member of a community or town council. This includes an undertaking to observe the code of conduct adopted by the council. All councillors should adhere to and model appropriate behaviours and standards in line with expectations of those taking up elected office.

Resources and training

[The Code of Conduct for members of local authorities in Wales: Guidance from the Public Services Ombudsman for Wales](#)

[Model Code of Conduct](#)

[Video –Councillors’ Guide to the role of the Public Services Ombudsman for Wales – The Members’ Code of Conduct](#)

One Voice Wales online training (free to all councillors) [The code of conduct for community and town councillors](#)

One Voice Wales training module ‘*The Councillor*’ covers a range of issues relevant to councillors’ responsibilities including code of conduct and ethical behaviour. A specific training module on ‘Code of conduct’ is also available. Contact One Voice Wales for further information.

[The good councillor’s guide for community and town councillors](#)

Councillor training

A good community council is committed to ongoing training and development, for both councillors and staff. A National Training Strategy is currently under review.

[Section 67 of the Local Government and Elections \(Wales\) Act 2021](#) requires community and town councils to make and publish a plan about the training provision for its members and staff. The training plan should reflect on, and address whether the council collectively has the skills and knowledge it needs to deliver its plans most effectively. The first training plan must be published by 5 November 2022, six months after the duty comes into force. The training plan must be reviewed no later than three months after an ordinary election of community councillors. Statutory guidance has been published about the duty to make and publish training plans see Chapter 5 of [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

Information on any current bursaries for councillors to undertake relevant training may be found on the One Voice Wales website.

A training plan template is available to One Voice Wales members on request.

Councillor remuneration

The Independent Remuneration Panel for Wales is the independent body responsible for determining payments to elected members of community and town councils in Wales. The Panel produces a report every year setting out the type and level of payments that may be made. It is the duty of the proper officer of a council (usually the clerk) to arrange for correct payments to be made to all individuals entitled to receive them.

[The Independent Remuneration Panel for Wales Annual report and guidance on payments to elected members](#)

Sector bodies

Councils are encouraged to be in membership of One Voice Wales and the Society of Local Council Clerks. Contact [One Voice Wales](#) and [SLCC](#) for details. One Voice Wales Area Committees and One Voice Wales and SLCC conferences and training events provide opportunities to learn about developments in other councils as well as share their own good practice. Consideration could also be given to submitting applications for the One Voice Wales annual awards scheme. In the case of 'larger' councils, they should consider taking a full part in the Larger Councils' meetings.

Commentary

Actions

We will:

-

The council carries out its employment duties

Questions to consider

- Do all councillors understand their responsibilities as an employer?
- Does the council have a human resources/personnel committee to deal with staffing matters?
- Do all staff understand their obligations under the national employee code of conduct?
- How does the council review whether staff are remunerated appropriately?
- How does the council ensure open and fair competition for all vacancies?
- What arrangements are in place to enable employees to communicate with their line management and for appraisal?
- What processes are in place to resolve both internal disputes / grievances and potential external complaints about council members and staff?

Examples of evidence to review to inform assessment

- Evidence of applying current employment law
- Evidence of signed contracts and policies which are referenced in contracts of employment and which are fully aligned to the National Pay and Conditions Agreement for Clerks
- Pay policy
- Job descriptions
- Employee Handbook
- Appraisal scheme and evidence of appraisals completed
- Minutes of full council and HR committee meetings
- Financial records recording appropriate deductions from gross pay calculations
- Grievance and complaints procedure

Further information

The council must act at all times as a responsible employer and must ensure it complies with employment law. All staff must have a contract of employment incorporating terms and conditions and supported by appropriate employment policies.

The council must approve the remuneration payable to all staff in advance. Councils should consider using an effective benchmarking tool for determining salaries of their employees, ensuring appropriate hours are agreed for each role. In the case of clerks/deputies and assistants the national job evaluation and pay scales would be appropriate.

When councils with several employees wish to change job roles and staffing structures they should be mindful of the processes involved in varying contracts.

It is essential that effective line management arrangements are in place for all employees. In the case of smaller councils, perhaps with a single part-time clerk, consideration should be given to arrangements for the day-to-day routine management of the clerk and a reporting mechanism to the council via a human resources / personnel committee.

It is important that members and officers are trained in the use of employee appraisal and there is a suitable scheme in place which is understood by the council and employees.

The code of conduct for qualifying employees of relevant authorities in Wales sets out the conduct expected of employees of a community council. This sets out as a general principle that the public is entitled to expect the highest standards of conduct from employees of a community and town council and notes that in performing their duties they must act with integrity, honesty, impartiality and objectivity. The code of conduct also covers:-

- Accountability
- Political neutrality
- Relations with members, the public and other employees
- Equality
- Stewardship
- Personal interest
- Whistleblowing
- Treatment of information
- Appointment of staff

- Investigations by monitoring officers

Resources and training

Employment policy support is available through One Voice Wales and SLCC, including model terms and conditions of service and model policies.

[ACAS has a range of advice, templates and training available on its website to support both employers and employees](#)

[The Code of Conduct \(Qualifying Local Government Employees\) \(Wales\) Order 2001](#)

The National Agreement on Salaries and Conditions of Service of Local Council Clerks in England and Wales 2004 - This publication covers the salaries and conditions of service of full-time and part-time Clerks and other officers of Town, Parish and Community Councils. The National Agreement can be found on the [One Voice Wales website](#)

One Voice Wales have sent a model pay policy to all councils.

One Voice Wales have a training module on 'The Council as an Employer' which covers a range of areas including contracts of employment, role and person specifications, discipline and grievance, and health and safety. A short [e-learning module](#) is also available on the One Voice Wales website and is free of charge to all councillors as an introduction to this area.

One Voice Wales and the Society of Local Council Clerks have jointly produced a guidance document 'Bullying and Harassment in Councils'. This is available to members on request.

Commentary

Actions

We will:

-

The council gives its staff the resources and support to carry out their role

Questions to consider

- How does the council encourage continuous professional development of its employees?
- How does the council ensure all staff are trained in all aspects of their role?
- How does the council ensure it provides all necessary facilities and equipment for those working from the office or at home?
- Are there appropriate policies and processes in place to manage the health, safety and welfare of the council's employees? How do you ensure these are followed?

Examples of evidence to review to inform assessment

- Training policy and plan
- Training budget
- Dignity at work policy
- Member/officer working protocol
- Equality and diversity policy
- Risk assessments
- Evidence of a process of establishing and reviewing individual development plans for all staff
- Investment in line management training for clerks who manage other council staff
- Investors in people status as appropriate

Further information

A successful council supports the development of its employees. [Section 67 of the Local Government and Elections \(Wales\) Act 2021](#) requires community and town councils to make and publish a plan about the training provision for its members and staff. The training plan should reflect on, and address whether the council collectively has the skills and knowledge it needs to deliver its plans most

effectively. The first training plan must be published by 5 November 2022, six months after the duty comes into force. The training plan must be reviewed no later than three months after an ordinary election of community councillors. Statutory guidance has been published about the duty to make and publish training plans - See Chapter 5 of [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

A training plan template is available to One Voice Wales members on request.

Many of the training requirements for council staff can be sourced from the SLCC - including the CiLCA qualification. Councils are encouraged to provide the necessary funding, including paid time off, for courses and in the case of qualification routes to provide appropriate workload relief to support studies. Further information on courses and any bursary support available can be found on the [SLCC website](#).

Providing staff of the council with the appropriate resources to complete their work is a key consideration in ensuring the successful operation of the council. For example, staff should be provided with council email addresses and access to council computer systems rather than being expected to use their own. Council staff should not use personal email addresses for council communications or save council documents to personal computers for reasons of information security, as well as for ensuring effective continuity if the council employee should leave their role.

Resources and training

[One Voice Wales](#) provides a training course on this subject.

SLCC also provide a range of training opportunities – see the [SLCC website](#) for latest courses and availability.

Commentary

Actions

We will:

-

Theme C – Community engagement and partnerships

Community and town councils play an active role in engaging, involving and consulting with their communities. An effective council understands its community's (people and places) needs and desires, and knows the positive difference it is making. Councils should aim to ensure that no one feels disadvantaged, and that all groups within the community are engaged.

A partnership is an agreement to do something together that will benefit all involved, bringing results that could not be achieved by a single partner operating alone and reducing duplication of efforts. Partnership working allows services to be delivered in a joined-up way, such as through shared goals and/or sharing resources.

The council engages with its community

Questions to consider

- Does your council understand the demographic composition of its community?
- How does the council involve the whole community in its decision-making processes, and provision of services?
- How does the council stay in touch about local “hot topics” that emerge from time to time?
- How does your council plan and provide for the diversity of needs within its community?
- What methods and tools are used by the council, to involve the community in community planning issues?
- How does the council ensure it is reflecting the voice of the community in reviewing planning applications and contributing, where appropriate to the Local Development Plan?
- What does the council do to ensure it engages with the people in the community in the language of their choice?

Examples of evidence to review to inform assessment

- Community engagement strategy prepared and periodically reviewed
- Community surveys
- Proactive work with community groups
- Involvement in other aspects of community life e.g. school governors, citizens advice etc.
- Social media activity

- Minutes of meetings
- Annual report
- Website
- Newsletters
- Noticeboards
- Community events
- Employment of a community development officer (where appropriate)
- Youth representatives serving on the council

Further information

The council is elected to serve all parts of the community and must ensure it reflects the needs of all the people in its community. Being open and transparent about the work of the council, and its decision-making, is key to engaging the community. A community engagement strategy sets out how the council will understand its community, involve the community in their work and communicate with their electors.

Relevant statutory obligations

[Local Government and Elections \(Wales\) Act 2021](#) – Part 3 Promoting Access to Local Government

The intention of the public participation provisions in the Local Government and Elections (Wales) Act 2021 is to encourage a more diverse range of members of the public to engage with local democracy. Principal councils are required to prepare, consult on, publish and review a ‘public participation strategy’, with the aim of making it easier for members of the public to understand how local government functions; how it makes decisions; and how local people can follow proceedings, input their views, and have them taken into account. There is no requirement for a community council to make a public participation strategy, though they should consider how they enable public participation to take place.

People presiding over community and town council meetings that are open to the public must give members of the public in attendance reasonable opportunity to make representation about any business being discussed at the meeting, unless this is likely to prejudice the effective conduct of the meeting.

[Section 47 of the Local Government and Elections \(Wales\) Act 2021](#) provides for multi-location attendance at community and town council meetings. The requirement is that a community council must make and publish arrangements for convening meetings, which

Theme C – Community engagement and partnerships

allows – but not requires – participants to be in multiple locations. See Chapter 2 of [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

[Schedule 4 of the Local Government and Elections \(Wales\) Act 2021](#) also includes provisions relating to community council notices e.g. giving notice of meetings and their arrangements and the issuing of a short note within 7 days of council meetings. These should be read in conjunction with section 55 of the Local Government (Democracy) (Wales) Act 2013, which requires community councils to make available electronically certain information and documents (including minutes of meetings).

[Local Government \(Wales\) Measure 2011](#) – made provision for the appointment of community youth representatives (section 118)

Resources and training

National Principles for Public Engagement in Wales aim to guide behaviour and encourage good quality, consistent engagement activity with service users and the general public. See Third Sector Support Wales [Knowledge Hub](#) to view the National Principles and access other supporting information.

[Public service geo-spatial agreement](#) provides location data which can support planning and decision-making.

[One Voice Wales](#) offers two training modules relating to community engagement - '*Introduction to Community Engagement*' which explores how councils and councillors can improve how they engage with the communities they serve; and '*Community Engagement Part 2*' which covers tools and techniques.

[SLCC](#) offer a Community Governance qualification.

Commentary

Actions

We will:

-

The council works with partners to help its community

Questions to consider

- How does the council work with partners to help achieve its vision and purpose?
- How does the council assess who it could and should work with (including statutory partners)?
- Are you working with everyone you could / should be working with?
- How has the council ensured it is resourced to develop its partnerships?

Examples of evidence to review to inform assessment

- Proactive work with community groups
- Involvement in other aspects of community life e.g. school governors, citizens advice etc.
- Annual report
- Community events
- Work with public services board (especially those councils with a duty under the Well-being of Future Generations (Wales) Act 2015)
- Lead subject representatives appointed
- Expertise to serve on advisory committees (co-option of non-councillors)
- Charter agreement with the principal authority

Further information

Community and town councils can provide services with other bodies, including neighbouring community councils. Partnership working recognises the limitations of what we can do on our own and the opportunities for achieving more by working together.

A stakeholder analysis is a simple way of identifying who might have most interest and influence in delivering the council's vision and plan.

Theme C – Community engagement and partnerships

This can be a helpful tool in identifying and prioritising potential partners. A by-product of this work is that it might identify opportunities to take forward ambitions that might otherwise have been missed. Having completed a stakeholder analysis, the council will need to consider who it seeks to work with and whether it is suitably resourced to take work forward.

If the council takes the lead in setting up a partnership, it should represent community interest groups and minority interests through either membership or consultation.

Working with the principal council

Building effective relationships between community councils and the principal council for the area can support councils to deliver for the people they serve. Informal and / or formal mechanisms may be established for engagement and partnership working.

A charter agreement is entered into by a principal council and a community council for a community or communities within its area. It is a shared agreement describing the way in which the councils' respective functions will be exercised for the purpose of maintaining and improving co-operation between them.

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. Working together through effective relationships and networks can support both tiers to ensure they are delivering the right outcomes for the people they serve. A charter provides clarity of commitments from both parties and gives validity and recognition to both parties as equal partners.

Resources and training

Case studies on effective engagement with partners are available to One Voice Wales members upon request.

[Ensuring Effective Stakeholder Engagement](#) - Guide produced by the Government Communication Service to support engagement with stakeholders, including tools to identify key stakeholders and plan for engagement.

Commentary

Actions

We will:

-

The council communicates with its partners and community

Questions to consider

- Are you confident that your communications are accessible to all parts of the community?
- How do you encourage feedback and involvement from across the community?
- How does your website help you engage and communicate?
- How do you use social media to engage with your community?

Examples of evidence to review to inform assessment

- Community engagement strategy prepared and periodically reviewed
- Community surveys
- Appointing council representatives to serve on outside bodies
- Social media activity
- Minutes of meetings
- Annual report
- Website
- Newsletters
- Noticeboards
- Community events
- Compliments and complaints letters
- Public participation sessions on council meeting agendas
- Council surgeries

Further information

[The Local Government \(Democracy\) \(Wales\) Act 2013](#) requires that community and town councils publish certain information electronically. [Section 55](#) of the Act requires councils to publish electronically information about how to contact it and, if different, its

Theme C – Community engagement and partnerships

clerk. The information which must be available electronically includes a telephone number, a postal address and an email address. In addition, councils must publish electronically information about its members, including a list of the council's members, each member's name, information about how they may be contacted, party affiliation (if any) and any office held or committee they belong to within the council. If the community concerned is divided into community wards, the ward each member represents must be shown. Councils must also publish electronically the minutes of its meetings and, so far as reasonably practicable, documents referred to at those meetings. They must also publish their annual audited accounts electronically.

It is a decision for each council to take as to whether they will operate their own, independent website, or whether they decide to link up with other councils in their area, or the principal council, or some other body which is happy to host their information. It is, however, a requirement that there is a regularly updated website providing the public with the ability to access the information described above.

A website is such a key means of communicating that people who want to find out about your council will simply assume you have one. A website offers the opportunity to promote, test and share ideas for the future of the community.

Social media is fast and free to use as well as a great way of getting your messages to more people in your community. Social media can help increase accessibility and can help break down barriers for people who might otherwise find it difficult to participate in your council's activities.

Different communication methods will be needed to ensure the council effectively engages with and informs the whole community. Considering how you are communicating, the audience for the different methods of communication, and where there are any gaps, will ensure you are reaching a full range of people within your community.

Resources

[Statutory Guidance: Access to Information on Community and Town Councils](#)

[Connecting with your local community: A Communications Guide for Welsh Community & Town Councillors and their Clerks.](#)

[The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#) – Chapter 3
Participation at meetings

A Communications Toolkit is available to One Voice Wales members upon request.

The Local Government Association has produced a [series of guides](#) to support councillors in using social media.

Commentary

Actions

We will:

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Theme D – Business processes

A process is a series of actions or steps taken to achieve a particular end. A well-run and well-managed council will have clearly defined processes in place for key areas of business. These processes give an overall structure for decision making designed to:

- ensure compliance with legislative requirements;
- deliver consistent outcomes or results; and
- mitigate against risk by ensuring tasks are performed correctly.

Business processes are likely to be key indicators of the strength of financial management and governance arrangements of a community or town council. The following questions will support your council to reflect on areas where typically a council has established processes in place, and help you determine if you need to introduce new or different processes.

The council operates high standards of accountability and governance in an open and transparent way
Questions to consider • What processes are in place to ensure effective and timely decision making and are these processes documented? • How does the council's annual business / service plan inform its budget? • How does the council use committee and sub-committee decision-making arrangements? • What processes are in place to review risk management? • What handover provisions are in place for transfer of information, finances and records when the clerk/responsible financial officer leaves the council?
Examples of evidence to review to inform assessment • Standing orders • All processes reviewed periodically by council / committee to ensure they remain appropriate, with findings recorded • Internal controls documentation • Published timetable of council and committee meetings

Theme D – Business processes

- Minutes of council meetings record decisions on the need for committees / sub committees and are published in a timely manner
- Usage of standing orders; financial regulations; and risk register
- Terms of reference for committee / sub-committee framework
- Scheme of delegations to support decision making
- Risk register
- Evidence of an easily accessible local complaints process for members of the public, and reference to the role of the Public Services Ombudsman for Wales in investigating complaints about public services.

Further information

All community and town councils must conduct their business in an open and transparent way and comply with statutory requirements in relation to decision making.

The council must conduct its business and make decisions through meetings, either of the full council or committees. There are rules governing meetings set out in the [Local Government Act 1972](#), in particular [Schedule 12](#).

Councils are legally required to keep minutes of meetings held and these minutes must be available to the public for inspection. Council meetings must be open to the public and press. They can only be excluded by a council resolution for a particular agenda item where sensitive issues are to be discussed (such as legal, contractual or personnel matters).

Rules for the annual meeting of the council and all other meetings should be contained in the council's standing orders.

[The Local Government \(Democracy\) \(Wales\) Act 2013](#) requires that community and town councils publish certain information electronically. [Section 55](#) of the Act requires councils to publish electronically information about how to contact it and, if different, its clerk; information about each of its members; the minutes of its meetings and, so far as reasonably practicable, documents referred to at those meetings; and their annual audited accounts.

[The Local Government and Elections \(Wales\) Act 2021](#) – [section 47](#) makes it easier for meetings to take place through a variety of arrangements, including multi-location meetings where all individuals are attending virtually, and hybrid meetings where a number of individuals are attending in person at a designated location and others are attending virtually from a range of other locations. See Chapter 2 of [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

[Schedule 4 of the Local Government and Elections \(Wales\) Act 2021](#) also includes provisions relating to community council notices e.g. giving notice of meetings and their arrangements and the issuing of a short note within 7 days of council meetings. These should be read in conjunction with section 55 of the Local Government (Democracy) (Wales) Act 2013. The electronic publication of documents extends to include making available key information as soon as reasonably practicable, and within seven working days of the community council meeting taking place, and must include: the names of members who attended; apologies for absence; declarations of interest; any decisions taken and the outcome of any votes. This would not apply to any decisions taken in private, or where disclosure of the information would be contrary to any enactment.

In accordance with the Local Government and Elections (Wales) Act 2021, [section 48](#), people presiding over community and town council meetings that are open to the public must give members of the public in attendance reasonable opportunity to make representation about any business being discussed at the meeting, unless this is likely to prejudice the effective conduct of the meeting.

It can be helpful to put all information about how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is accountable, open and transparent into a single documented constitution. The primary components of a documented constitution will be the council's standing orders and financial regulations, along with the clerk's scheme of delegated powers, the code of conduct for members, the code of conduct for employees, member / officer protocol, terms of reference for committees etc.

Resources

The [Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#) - Chapter 3 Participation at meetings

[The good councillor's guide for community and town councillors](#) – Part 3 provides guidance for council meetings

[Arnold – Baker on Local Council Administration \(12th Edition Dec 2020\)](#)

[Statutory Guidance: Access to Information on Community and Town Councils](#)

[The Local Government Finance Act 1992](#) - sections 41, 50 and 51 set out how the council should calculate its budget and precept.

[Local Government Act 1972](#) - [Section 101](#) makes provisions for the appointment of committees and the discharge of functions by committees.

[Public Bodies \(Admission to Meetings\) Act 1960](#)

Good practice examples of council business plans including community plans are available to One Voice Wales members upon request.

For an example of a documented constitution see [Llanelli Rural Council website](#)

Commentary

Actions

We will:

-

The council fulfils its duties and responsibilities in regard to health, safety and welfare

Questions to consider

- How does the council oversee and manage its health and safety arrangements?
- How has the council assessed whether it has the necessary expertise, skills and resources to manage its affairs safely as needed?
- How does the council secure health and safety in its premises and activities?
- Does the council allocate sufficient budgetary resources to meet current Health and Safety legislation in relation to all its activities?
- What systems and checks does the council have in place to manage risk?

Examples of evidence to review to inform assessment

- Health and Safety Management Committee
- Health and Safety Policy Statement
- Health and Safety Procedures
- Risk assessments
- Records of tests
- Annual Health and Safety action plan
- Accident report book and related investigation procedures
- Stress management policy
- Stress risk assessment

Further information

Employers **must**:

Provide a safe working environment for employees and all other persons affected by its actions, including contractors and members of the public.

Employees must:

Act in accordance with the council's Health and Safety policy and supporting procedures and comply with all statutory regulations and health and safety legal requirements.

Relevant legislation includes:

- [The Health and Safety at Work etc. Act 1974](#)
- [The Management of Health and Safety at Work Regulations 1992](#)
- [The Workplace \(Health, Safety and Welfare\) Regulations 1992](#)
- [The Provision and Use of Work Equipment Regulations 1992](#)
- [The Manual Handling Operations Regulations 1992](#)
- [The Health and Safety \(Display Screen Equipment\) Regulations 1992](#)
- [The Personal Protective Equipment at Work Regulations 1992](#)
- [Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013](#)

Resources, advice and training

[Health & Safety Executive](#) has a range of guidance available on its website

IOSH Managing Safely course – suitable for councillors and clerks

One Voice Wales covers health and safety in its training module '*The council as an employer*'

Commentary

Actions

We will:

-

The council understands how to manage its assets and facilities

Questions to consider

- How does the council deliver and review the services it provides to the community?
- How does the council record, manage and maintain its existing assets and facilities?
- Does the council have a process to identify potential transfer options / consider transfer requests of services and assets from its local authority?
- Is there adequate insurance cover in place to safeguard assets and facilities?

Examples of evidence to review to inform assessment

- Evidence from surveys, engagement events, contributions from the public to council meetings
- Evidence in minutes from budget setting discussions and business planning meetings.
- Evidence of operating a charter or protocol with the local authority
- Minutes recording assessment of need for new asset or service
- Register of assets
- Maintenance programme
- Land registry documentation / title deeds
- Asset transfer policy
- Insurance documentation

Further information:

Internal controls should be in place to safeguard the assets and investments held by the council from loss or damage and to ensure their proper use within the community.

Internal controls should include:

- Maintaining an asset register;
- Regular inspection of fixed assets to ensure they exist, remain in good repair and are being used appropriately;
- Appropriate authorisation for the disposal or scrapping of fixed assets; and
- Maintaining secure boundaries of any land and buildings held by the council and holding all title deeds securely.

Having an asset transfer policy gives a positive message to the community about the council's stance in regard to safeguarding local facilities. A policy confirms the intention to take over the responsibility for the ownership, management and running of assets from the principal council.

Relevant legislation

[Local Government Act 1972, sections 124, 126 and 127](#) – Power to acquire by agreement, to appropriate, and to dispose of land.

[Local Government Act 1972, section 135](#) - requires a council to make standing orders covering contracts for the supply of goods or materials or for the execution of works

[Local Government Act 1972, Section 139](#) – Power to accept gifts of land.

[Local Government Act 1972, Section 133](#) – Power to provide buildings for public meetings and assemblies

[Local Government \(Miscellaneous Provisions\) Act 1976, Section 19](#) – Power to provide a wide range of recreational facilities

Resources

[Assets and Services Toolkit](#) – contains information, case studies and resources designed to help councils taking on community services and assets.

[Governance and Accountability for Local Councils in Wales – A practitioners guide \(2019 Edition\)](#) – see part 2 Governance and financial management.

Commentary

Actions

We will:

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Theme E – Resources and financial management

Community and town councils are entrusted with management of public funds and assets. All councils should have appropriate financial governance arrangements in place to ensure the security of these resources and to ensure that they achieve economy, efficiency and effectiveness in the use of those resources.

This theme considers the arrangements the council has put in place to manage its resources and covers both assets held and the council's finances. The questions here will help the council reflect on the overall approach to financial management, and will be best supported by information on this theme contained in the health check to provide confidence that the statutory and non-statutory procedures to support good financial management have been followed.

The council has suitable accounting and audit systems

Accounting Questions to consider

- What methods does the council employ to document its accounting systems and controls?
- How does the council satisfy itself these meet its needs?
- How does the council satisfy itself the accounting systems and controls are operating as intended?
- How does the council ensure that accounting records are secured and available to relevant officers?
- How does the council take responsibility for completing and approving the Annual Return / statement of accounts in a timely and complete manner?

Audit questions to consider

- How does the council appoint its internal auditor?
- How often does the council review its appointment of its auditor?
- How does the council ensure that it receives reports from both internal and external audits?

- What methods does the council employ to examine and act upon both internal and external audit reports to reflect on and to improve its financial management?

Examples of evidence to review to inform assessment

- Schedule of accounting records maintained by the council
- Documented arrangements for transfer of documents on change of responsible financial officer
- Internal audit terms of reference and audit reports
- Council / committee meetings with the internal auditor, presentations by the internal auditor to the council
- Internal and external audit reports and recommendation tracking
- Standing agenda item at June and September / October meetings to confirm approval and publication of accounts

Further information

Community and town councils have a responsibility to ensure effective governance and management of the public money they have been entrusted with, and that this is used economically, efficiently and effectively. The financial rules, statutes and procedures protect the council and give it the tools to achieve its goals and make best use of public money. All councillors are accountable for the council's finances and should ensure the council has proper arrangements in place.

The law requires that councils submit their annual accounts to the Auditor General for Wales. For most councils the accounts are in the form of an annual return. The Auditor General makes arrangements for the external audit to be undertaken by auditors. 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.

The annual return is the principal means by which the council is accountable to its electorate and 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.

A smaller relevant body must, no later than 30 June immediately following the end of a financial year – (a) consider the accounting statements by the members meeting as a whole; (b) following that consideration, approve the accounting statements for submission to the auditor by a resolution of the body; (c) following approval, ensure that the accounting statements are signed and dated by the person presiding at the meeting at which that approval was given.

The council should ensure they are aware of the outcome of the statutory audit and any issues identified so that its arrangements can be improved or errors corrected for future years.

Some key legislation to be aware of includes:-

- [The Local Government Act 1972](#) (section 151) requires a community or town council to appoint a responsible financial officer (RFO). It is the role of councillors to ensure that the RFO acts properly.
- [The Accounts and Audit \(Wales\) Regulations 2014](#) (as amended) set out the council's responsibilities for financial management, internal controls and internal audit (Regulations 5, 6 and 7) as well as the required procedures and timetable for signing, approval and publication of accounts (Regulation 15).

Resources and training

[Governance and Accountability for Local Councils in Wales – A practitioners guide \(2019 Edition\)](#) provides detailed guidance on financial management and governance (Part 2), accounting practices (Part 3 for councils with income and expenditure below £2.5 million and Part 4 for councils with income and expenditure above £2.5 million), as well as checklists for annual internal audit review (Appendix 2) and for financial year end (Appendix 3). The guide also covers the external audit and electors' rights (part 5).

Your council must have its own financial regulations giving details of how the council manages its finances. Model financial regulations are available to members of One Voice Wales and SLCC.

One Voice Wales run a training module 'Local Government Finance'. For more details, including any bursary support that may be available for this training, visit the [One Voice Wales](#) website. A basic online e-learning module '[Understanding Local Government Finance](#)' is also available, free to all, on the One Voice Wales website.

[SLCC offer relevant qualifications for clerks](#), including:-

- Financial Introduction to Local Council Administration (FILCA)
- Certificate in Local Council Administration (CILCA)

[Webinar: Internal Audit Arrangements at Town and Community Councils in Wales](#) – a shared learning event provided by the Good Practice Team at Audit Wales

Commentary

Actions

We will:

-

The council has suitable financial management and financial assistance processes

Financial management questions to consider

- How does the council develop and approve its annual budget?
- How does the council monitor its budget over the course of the financial year?
- What arrangements has the council made for the transparent approval and execution of payments?

Financial Assistance questions to consider:

- How does the council determine which bodies to award financial assistance to?
- How does the council monitor the value of financial assistance awarded in each year?
- How does the council manage risk and ensure confidence in its financial assistance processes?

Examples of evidence to review to inform assessment - Financial management

- Detailed budget prepared which analyses expected receipts and payments, use of reserves etc supporting the total budget requirement to be met by the precept
- Reflection by members, individually and jointly
- Regular bank reconciliations prepared by responsible financial officer and subject to appropriate review
- Regular monitoring of expenditure through year
- Precept receipts
- Documented internal control procedures

Examples of evidence to review to inform assessment - Financial assistance

- Grants award policy and procedure
- Financial support policy and procedure

- Minutes documenting grant awards linked to a grants policy
- Annual report
- Community engagement activity
- Reflection by members, individually and jointly

Further information

Financial Management

The budget is an essential tool for controlling the council's finances. 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 have a system of internal control where someone, (other than the responsible financial officer), oversees 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 would usually be undertaken by a councillor or councillors with a good grasp of financial documentation. 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. The findings are reported to the council, and together with regular feedback from the responsible financial officer 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.

The council's spending plans may require a level of external borrowing, for example for capital projects. Borrowing by community and town councils is subject to government controls and Welsh Government's approval is required. The Welsh Government may also impose conditions in accordance with which the borrowing may be carried out. The Welsh Government publishes [guidance](#) on applying for borrowing approvals and an [application form](#) on its website.

Some key legislation to be aware of includes:-

- [The Local Government Finance Act 1992](#) - sections 41, 50 and 51 set out how the council should calculate its budget and precept.

Resources

[Governance and Accountability for Local Councils in Wales – A practitioners Guide \(2019 Edition\)](#) sets out statutory requirements, proper practice and guidance on budget setting and monitoring at Chapter 6

Financial assistance

Financial assistance by a council occurs when a council agrees to provide grants and / or loans to other bodies.

[Section 137 \(1\) of the Local Government Act 1972](#) permits community and town councils to spend on activities for which it has no other specific powers if the council considers that the expenditure is in the interests of, and will bring direct benefit to, the area or any part of it, all or some of its inhabitants, providing that the benefits are commensurate with the expenditure. Community and town councils are also permitted under section 137 (3) to incur expenditure for certain charitable and other purposes. The Welsh Government issues a letter to all community and town councils setting out the maximum expenditure that can be incurred under section 137 (1) and (3) for the relevant financial year. Note - Once a council resolves itself an eligible community council, section 137 of the Local Government Act 1972 no longer applies to the council. Unlike section 137 there is no financial limitation on what an eligible community council can spend if they are exercising the general power of competence.

The [Local Government and Elections \(Wales\) Act 2021](#) makes provision for eligible community and town councils to exercise a general power of competence, with the aim of bringing about more effective, capable and innovative local government. The general power will allow eligible councils to act in their communities' best interests, generate efficiencies and secure value for money outcomes. They will also be able to raise money by charging for discretionary services and to trade. See [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils \(Chapter 1\)](#).

Resources and training

One Voice Wales run a training module 'Local Government Finance'. For more details, including any bursary support that may be available for this training, visit the [One Voice Wales](#) website. A basic online e-learning module '[Understanding Local Government Finance](#)' is also available, free to all, on the One Voice Wales website.

[SLCC offer relevant qualifications for clerks:-](#)

- Financial Introduction to Local Council Administration (FILCA)
- Certificate in Local Council Administration (CILCA)
- Introduction to Local Council Administration (ILCA)

Commentary

Actions

We will:

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Theme F – Evaluating impact

A well-run council does not always equate to a council having a significant impact in the local community. This theme draws upon the outcome of the work generated from previous themes and is an opportunity for the council to assess whether it is delivering the desired benefits for its community. It will provide a natural self-review of whether the council is providing the service expected of it and whether it is doing all it could do.

Considering the questions in this theme will also help you to summarise the council's achievements and determine future council priorities and activities to inform the council's annual report.

The council assesses the benefit to the community of the work it does, to inform future activities and services

Questions to consider

- How do you know that what you have achieved for the community has been beneficial and made a difference?
- What evidence do you use to understand the impact of the council's work?
- Have you considered future changes to the community or legislation (e.g. general power of competence) to explore opportunities for new ways to help your community?

Examples of evidence to review to inform assessment

- Previous year's annual report (if available)
- Community engagement activity
- Reflection by members, individually and jointly
- Complaints and compliments

Further information

The questions here will give you, as councillors, the opportunity to collectively consider what the council is achieving for the community. You may already have established means of evaluating the impact of the council's work, or this may be something you decide needs to be worked on. This will help you in preparing the council's annual report as required by the [Local Government and Elections \(Wales\) Act 2021 \(section 52\)](#). The reports will set out the council's priorities, activities and achievements during the year. See also Chapter 4 of [The Local Government and Elections \(Wales\) Act 2021: Statutory Guidance for Community and Town Councils](#)

Using evidence to understand what you have achieved for the community, and what could be achieved in future, is vital in making the right decisions going forward. A good understanding of what you are delivering, the significance to the community, effectiveness and value for money will give you the information you need to make good decisions for the community going forward. Conversely, not taking the opportunity to reflect on whether you are delivering what the people in your community need can lead to investment of time and resources in things that may have little impact.

You can use various methods to gather evidence of the benefit your council is having for the community – councillor surgeries, community surveys, community engagement sessions and social media are just some ideas.

Commentary

Actions

We will:

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Summary of key actions to be taken as a result of Part 2 –The self-assessment

Summary of actions	By who	By when

Updates to the Finance & Governance Toolkit for Community and Town Councils

Date	Version	What has changed	Where
November 2022	1.1	Links to additional resources relating to the Environment (Wales) Act 2016, Section 6 Biodiversity and Resilience of Ecosystems Duty	- Part 1: The Health Check / Theme A, Vision, purpose and community planning / Statement A.2 - Part 2: The self-assessment / Theme A - Vision purpose and community planning: Further information
November 2022	1.1	Notes the availability of a training plan template for One Voice Wales Members on request.	- Part 1: The Health Check / Theme B – Leadership and people / Statements B.5 and B.17 - Part 2: The self-assessment / Theme B – Leadership and people: Further information
November 2022	1.1	Provides clarification for councils that rely on section 137 of the Local Government Act, and those that have resolved themselves an eligible community council for the purposes of the general power of competence, on the use of those distinct powers.	Part 1: The Health Check / Theme E Resources and Financial Management / Statements E.32-E.36
November 2022	1.1	Notes that One Voice Wales and the Society of Local Council Clerks have jointly produced a guidance document 'Bullying and Harassment in Councils' which is available to members on request.	Part 2: The self-assessment / Theme B – Leadership and people: Further information
November 2022	1.1	Includes a link to Local Government Association guides on using social media.	Part 2: The self-assessment / Theme C – Community engagement and partnerships: Further information

This Report is jointly published by:



Bullying and Harassment in Councils

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Introduction

One Voice Wales & the Society of Local Council Clerks (SLCC) are committed to improving the performance of community and town councils in Wales. One aspect of improvement is around behaviour by both elected members and council employees. While serious issues with behaviour are limited to a small number of cases each year, the impact of these cases is significant for those involved. Unacceptable behaviour can impact on the effectiveness of Councils undermining both loyalty and commitment and a souring of relationships which is in no one's interests. At its very worst it can result in ill-health and sickness absence which is clearly unproductive and very costly to those Councils which experience relationship issues of this nature.

This guidance has been developed by Paul Egan (One Voice Wales) and Naomi Bibi (SLCC) to support both councils and clerks when issues do arise.

Lyn Cadwallader, Chief Executive of One Voice Wales gives his full support to the production of this guide which he considers will help all Councils and employees to understand the nature of unacceptable behaviour and have a toolkit to help everyone ensure that Councils foster effective governance and employment practice. In his view, it is essential that Councils take all necessary actions to root out poor behaviour on the part of members and/or officers so that together a cohesive and focussed approach is adopted in achieving the best outcomes for local people.

As the professional body for local council clerks and chief officers, SLCC is similarly pleased to support the development of this guide. Rob Smith, Chief Executive of SLCC, gave his full support to the production of the guide and noted the value of its aims of improving behaviours, engendering positive relationships and helping councils and employees to deliver for their communities.

Effective Councillor and Officer Relationships

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. 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.

What is bullying and harassment?

Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse and includes bullying.

What are bullying and harassment? These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment as defined in the Equality Act 2010 is: Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or councillor) or involve groups of people. It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include: spreading malicious rumours, or insulting someone by word or behaviour (copying e-mails that are critical about someone to others who do not need to know, ridiculing or demeaning someone – picking on them or setting them up to fail), exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of power or position, unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected, making threats or comments about job security without foundation, deliberately undermining a competent worker by overloading and constant criticism, preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, through social media (e.g., Facebook, Twitter) and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all staff.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

SLCC's Research

In 2017 Hoey Ainscough were commissioned by the SLCC to survey their members on issues relating to council governance, the Code of Conduct and standards arrangements under the Localism Act 2011.

Although the research focussed on England and its regime, Welsh members were included in the survey and the responses were consistent between the regions and countries.

The Localism Act (which does not apply in Wales) arrangements, which deregulated standards arrangements, are now over five years old and SLCC have been receiving increasing anecdotal evidence from their members that in some places standards are deteriorating and the lack of effective sanctions in the legislation for serious or persistent misconduct by councillors was having a negative effect on the governance of some parishes. SLCC therefore wanted to establish on a more systemic basis whether what they were hearing anecdotally was in fact true; if so, what was the scale of the issue and what were the effects. This evidence would be used, where appropriate, to help SLCC decide whether it felt it would wish to push for changes to the English/Welsh statutory framework and to identify what further support its members and the sector might need.

A survey in November 2017 was sent to all SLCC members with a series of questions designed to identify what clerks felt about certain key standards issues. In parallel a shorter questionnaire was sent to the English Monitoring Officers (MOs) of the principal authorities (In Wales, the Public Services Ombudsman investigates complaints) who have oversight of parishes under the legislation to see what impact, if any, parish governance issues were having on their role. We received 801 responses to the clerk questionnaire and 55 responses to the Monitoring Officer survey.

Summary of the findings

The findings from the survey were:

1. The number of complaints against councillors does not appear to have changed since before and after the introduction of the Localism Act, with roughly the same number reporting cases had increased as saying they had decreased

2. Most parish/community councils do not have issues with member behaviour, however a significant minority (some 15%) do have serious issues
3. In those councils with problems, it is generally caused by one or two councillors who are consistently disruptive although there is a smaller minority of councils where the whole council is seen to be acting inappropriately because of factional splits or significant governance failures
4. While the number of cases has remained roughly constant, there is a great deal of dissatisfaction with how those cases are now handled and particularly resolved, with the vast majority of respondents pointing to the lack of powers (unlike in Wales where there is a Public Services Ombudsman that receives complaints concerning alleged breaches of the code of conduct) to remove councillors from office as seriously damaging to the governance of councils where there are significant behavioural issues
5. Most clerks believe they are well supported by the principal authority's Monitoring Officer in helping them deal with issues but a sizeable minority are very dissatisfied with the support they receive (Not necessarily the case in Wales as Monitoring Officers have more of an advisory role to community councils)
6. Most clerks, however, are dissatisfied with the outcome of complaints and the way they have been handled with a minority saying they (and in some cases their councillors) no longer see the point in making a complaint
7. There is a significant feeling that the current legislative framework means certain individuals now believe they are 'untouchable' and are given free rein to cause disruption and that problems therefore go on longer without coming to a resolution (see section below on the Ledbury Town Council Judicial Review 2018)
8. Disruption generally seems to be either because of personal animosities between councillors or else because individuals or small groups of councillors are challenging the 'status quo' and see themselves as outsiders who wish to change the way that the council has traditionally been run
9. There is a small minority of councils where the behavioural issues are aimed directly against the clerk or other staff, but more generally the clerk tends to get caught in the crossfire, either as part of the general targeting of the way the council is run or because they are having to manage the behaviour or reconcile the factions. However, a minority of respondents said they had left a previous role as a clerk because of the way they were being treated and a handful of respondents were either currently engaged in an employment dispute with their council or actively considering it
10. Some councils and their councillors struggle to understand the rules around declarations of interest and a minority of councillors appear routinely to ignore the rules as they do not believe there will be any consequences

11. Councillors (particularly longstanding councillors) are resistant to receiving training, either because they see no benefit or feel they have received training in the past, or simply because they are volunteers who cannot commit the time. The availability and cost of training is also seen as a major barrier to getting councillors to go on training courses.

What is the difference between a grievance and a Code of Conduct complaint?

In simplest terms, a grievance is a complaint by an employee about the actions of his or her employer, their terms and conditions of employment, work they are being asked to undertake or the working environment. It may relate to the conduct or attitude of a colleague.

In the Community and Town Council sector, a grievance is a complaint about the Council as a corporate body and an employer. A grievance cannot be just about the behaviour of an individual councillor. It may be linked to the behaviour of a councillor but only to the extent that the Council as an employer has not prevented or managed the unacceptable behaviour. A grievance may be about a person's line manager if they are another member of staff.

A line manager cannot raise a grievance about a more junior member of staff – if there is an issue of this nature that should be dealt with through normal staff management processes. Nor can a councillor raise a grievance about a member of staff – this should also be managed through normal management processes.

A council has a duty to redress the grievance of an employee promptly and fairly.

A Code of Conduct complaint relates to behaviour by an individual who may have breached the formal Code regulating the behaviour of councillors or the separate Code for officers. Behaviours that are unacceptable are set out in the Codes of Conduct. A Code of Conduct complaint against a councillor is dealt with by the Public Services Ombudsman for Wales and cannot be dealt with by the Community or Town Council under the statutory framework. However, One Voice Wales has developed a 'Model Local Resolution Protocol' for dealing with low-level complaints about members which the PSOW supports (see later in this guidance).

The Code of Conduct for officers forms part of an employee's terms and conditions of appointment. A complaint that an officer has failed to comply with the Code of Conduct is a disciplinary matter for the relevant Community or Town Council. The Ombudsman has no power to investigate a breach of the employee Code of Conduct. That said, where the alleged conduct results in potential maladministration by the Council, that aspect may fall within the Ombudsman's powers to investigate a complaint by the person directly affected.

What should you do to resolve the complaints in the first instance?

In either case attempts to resolve matters informally should always be attempted before any formal process is contemplated. Ways of doing this can be as simple as an open and frank discussion or a more involved facilitated mediation. In these situations, nobody has anything to lose by trying to resolve a situation before it escalates.

Raising a formal complaint is not something that can or should be undertaken lightly. Even the most justified complaints damage relationships in the workplace in both the short and longer term.

Making Complaints to the Public Service Ombudsman for Wales (PSOW)

The Ombudsman considers that resources should not be used to investigate matters which are trivial, or which have little or no impact on the public. It is important that PSOW focusses its investigations on matters that are serious and have the potential to undermine the relationship between councillors and the public they serve, such as corruption, bullying and misuse of power in public office.

The Ombudsman uses a two-stage test when receiving complaints about breaches of the Code.

The two-stage test

The process requires the application of a two-stage test. Where she is satisfied that a complaint is supported by direct evidence that a breach has taken place, initially the public interest is considered in deciding whether a complaint against a councillor can and should be investigated. She considers the public interest again during an investigation to ensure that it should continue and, finally, again, when determining whether a matter should be referred to a Standards Committee (SC) or to the Adjudication Panel for Wales (APW) for consideration.

There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).

The published public interest factors the Ombudsman considers are set out below:

- the seriousness of the breach
- whether the member deliberately sought personal gain for themselves or another person at the public expense

- whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
- whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

It is clear therefore that councillors or Clerks making a complaint about harassment or bullying should ensure that there is sufficient evidence to support its consideration in terms of the impact on the individual concerned and how it may impact on the work of the Council and in turn the services delivered to the town or community. It goes without saying that witnesses who may be able to support a complaint should be identified in any complaint or statements in support of allegations should be provided to support the complaint.

Considerations

Then taking any of the above factors into account, relevant considerations can include the circumstances of the complaint; the extent to which the councillor was responsible for, or was to blame for, the alleged breach; whether the alleged conduct was premeditated and/or planned and whether the alleged conduct has caused harm or impacted on another person, group or body. Views expressed by the complainant, or any other person affected by the alleged conduct, relating to the impact and effect should also be considered. Other considerations may be:

- whether there is evidence of previous similar behaviour on the part of the member
- whether the Councillor has been the subject of any previous complaints or investigations, or been referred to the Standards Committee (SC) or the Adjudication Panel for Wales (APW) for a similar matter? Is the alleged conduct ongoing, repeated or is there evidence of escalating behaviour?
- whether the investigation or referral to an SC or the APW is required to maintain public confidence in elected members in Wales
- whether investigation or referral to an SC or the APW is a proportionate response. Consider whether it is likely that the breach would lead to a sanction being applied to the member and whether the use of resources in carrying out an investigation or hearing by an SC or the APW would be regarded as excessive, when weighed against any likely sanction.

Public interest will not be decided based on resource alone, but this is a relevant consideration when making an overall assessment. A balanced view should be taken and consideration of the outcomes of previous cases considered by SCs across Wales and the APW will be helpful in achieving this.

The list is not exhaustive and not all factors will be relevant to every case.

The role of the Council and Chairman

The legal position

Councils as employers are responsible for preventing bullying and harassing behaviour. It is in their interests to make it clear to everyone that such behaviour will not be tolerated — the costs to the business of the Council may include poor employee relations, low morale, inefficiency and potentially the loss of staff. An organisational statement to all councillors and staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others.

Councils are encouraged to adopt a policy setting out its expectations and approach to dealing with identified cases of bullying and harassment by individual councillors towards other councillors and employees and relating to bullying and harassment by employees. One Voice Wales and the SLCC can provide model policies to assist Councils.

The Code of Conduct

The Public Service Ombudsman for Wales has published guidance to assist councillors understand their obligations under the Code. The guidance makes it very clear that bullying and harassment constitutes a breach of the Code. The guidance can be accessed from the following web-link:

<https://www.ombudsman.wales/wp-content/uploads/2021/05/Code-of-Conduct-Guidance-Community-Councils.pdf>

One Voice Wales has also provided member councils with a model informal resolution process which can be used to deal with low level complaints from employees (other than the Clerk) against councillors and from councillors against councillors. The Ombudsman is very supportive of this process and encourages all councils to adopt it and use it whenever possible to resolve issues at an early stage before problems escalate. Wherever possible consideration should be given to using the informal resolution process which will enable the following matters to be considered in a more timely way and enable the individuals concerned to reach an appropriate form of agreement which is mutually acceptable. Those matters that are suitable for local resolution are:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing
- Repetitive low level and frivolous complaints

Please note that even when a council has adopted an informal resolution process these are only appropriate for these types of complaints and the Ombudsman may decide to investigate any cases which the Ombudsman considers raise more serious matters.

The role of the Chair of a Council

It is the Chair's responsibility to preserve order in the conduct of those present at meetings of the Council. It is also likely to be the case that the Chair will be the person whom the Clerk will approach for information about the Council and the community/town, to seek to informally discuss matters with and informally consult on decisions that are in the Clerk's remit to make or pass back to a formal meeting. In the context of the formal role at meetings, the Chair has a duty to ensure that the behaviour of members is appropriately monitored and if there are clear examples of bullying or harassment relating to councillors or the Clerk, the Chair should warn those concerned to desist from such behaviour. In extreme cases, the Chair or any other member can put a motion to the meeting to expel a councillor from the meeting.

The Council's Values and Beliefs

Although cases of bullying and harassment in Councils are probably limited to a minority of Councils it may be helpful for all Councils to consider adopting a values and beliefs statement that demonstrates to both councillors, employees and the public its position in relation to human interrelationships within the Council. Some examples are: -

Example 1

Trust and respect

We trust residents to make choices and decisions that are best for them. We will help when we are needed. The way we work together as staff, councillors, and partners reflects trust and respect for each other.

Pride

Our elected councillors and our staff are proud to work for us. They are committed to making our town a great place to live, and even a better place to do business.

Working as a team

The way we work together as councillors and staff makes sure we are the best we can be. We avoid duplication, tackle inefficiency and improve services and experience of residents and customers.

Being valued

We recognise our many responsibilities for keeping the area and our residents safe and prosperous. We recognise our councillors and staff for their contribution and for our success.

Example 2

Leadership - Councillors are elected to represent their communities and to lead on issues that will affect the lives of local people.

Integrity – operating with integrity, being ethical, trustworthy and reliable and treating others with respect.

Tenacity/ Persistence – work proactively to achieve the decision of the Council even if it takes a long time and a great deal of effort.

Communication – to give the public the opportunity to ask questions and engage with the Council, and to publicise the work of the Council.

Strong financial management – to ensure that the Council's resources are managed effectively and efficiently, at least cost, yet maintain quality.

Training – to support relevant training for Councillors and staff members.

Working as a corporate body – to respect decisions made democratically

These would serve to ensure that the Council is observing the ten principles that underpin the Code of Conduct which are:

A) Selflessness - Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

B) Honesty - Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

C) Integrity and Propriety - Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

D) Duty to Uphold the Law - Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

E) Stewardship - In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

F) Objectivity in Decision-making - In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

G) Equality and Respect - Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless

of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

H) Openness- Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

I) Accountability - Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

J) Leadership - Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the Council's statutory officers and its other employees.

Ledbury Town Council Judicial Review 2018 and its relevance in Wales

Introduction

Although the Ledbury case was a judicial review in England the decision's underlying principles are relevant to Wales and are founded in the legislative framework and the Code of Conduct in Wales. Caselaw such as the Heesom and Calver cases also provide useful context for the application of the Code in Wales.

The Ledbury Case

The case arose after the Clerk & Deputy Clerk raised grievances about the conduct of two councillors. It was alleged that the councillors were bullying and harassing staff and preventing them from carrying out their duties. The grievances were investigated by the Council's advisor and the grievances upheld. The councillors appealed the outcome of the grievance.

Cllr Harvey believed that the matter was purely a Code of Conduct matter and self-referred to the Monitoring Officer. In May 2016, the Town Council put in place measures that restricted Cllr Harvey's access to the Clerk and Deputy Clerk, removed her from committees and outside bodies, prevented her from acting as a substitute for another councillor and informed other bodies of its decision.

On 11th May 2017 the Council resolved to maintain and extend the prohibitions. Shortly after that the Monitoring Officer confirmed that the investigation of Cllr Harvey's self-referral had concluded there was no breach of the Code.

What were the issues at Judicial Review?

Cllr Harvey challenged the 11th May 2017 decision on the grounds that the decision was ultra vires as it should have been dealt with as a Code of Conduct complaint by the Principal Authority and not an internal grievance.

She also claimed the decision was substantively unfair as it breached her Article 10 rights to freedom of expression or substantively unfair at common law.

She further claimed procedural unfairness through the absence of investigation, detail of complaints about her, failure to disclose the full evidence to the Council and its failure to allow Cllr Harvey to defend herself.

The Council's view was that it was acting to protect its staff and that it had the powers to do so.

The Decision

The Court agreed that the correct process for dealing with councillor behaviour is through the Principal Authority and the Code of Conduct under the Localism Act 2011. This follows the reasoning in previous cases and to a certain extent could have been expected as an outcome.

The Court while not having to consider the second and third issues found some of Cllr Harvey's argument persuasive. The discussion in the judgement providing useful guidance.

Implications of the Judicial Review

Where a complaint relates to the conduct of a councillor in Wales and falls into the provisions of the Council's Code of Conduct, the Council can and should attempt to resolve it informally. If this informal approach fails then it may be passed to the Public Services Ombudsman for Wales (PSOW) as a local council has no powers to deal with the matter. Where the PSOW investigates a complaint and decides that the complaint should be referred to either a local standards committee or the Adjudication Panel for Wales, where breaches of the Code are found, they may decide to impose a sanction such as censure or suspension on the councillor.

Any complaint about a councillor's conduct should be regarded as a Code of Conduct complaint even if the complainant is an employee and it is raised in a grievance.

A complaint may fall outside the Code of Conduct in which case the Council must carry out or arrange for a proper investigation. There may also be overlapping issues that the Council as an employer should address in addition to any Code of Conduct being considered by the PSOW. The procedure followed must identify the issues in full, separating the issues as necessary. It must also ensure that the subject of the allegations is provided with details of the allegations and evidence so that they can provide a response.

Any subsequent measures taken as the employer must be proportionate and limited to the minimum required to stop the issue recurring. The measures should be kept under regular review and their effectiveness evaluated.

Further Commentary

In the wider context of regulating employment relations between a council and its staff the Ledbury decision does not obviate a council's duty of care towards its employees. Nor does it invalidate the principle of employers' vicarious liability established in the Bude Stratton case. This principle is clear that a council as a corporate body may be legally liable for the actions of individual members.

It is still possible for a Council to protect its employees if done correctly and that Councils have both preventative and reactive protective measures that they can apply. These are:

Preventative

- Dignity at work policy
- Member Officer protocol (perhaps with limitations on officer contact time)
- Good induction of new members and ongoing training for existing members
- Good policies to support effective governance

Reactive

- Must be temporary (for example pending the decision of the PSOW)
- Regularly reviewed
- Relevant and proportionate
- Not punitive
- Still enables a councillor to carry out their role
- Make a corporate Code of Conduct complaint – supported by/supporting the employee

Support for Councils and Clerks

There are several available sources of support including:

Mediation

In some cases, it may be appropriate to consider engaging an external mediator to assist in the handling of complaints relating to bullying and harassment. There are a range of sources of this form of service and One Voice Wales does engage a qualified consultant who can assist in such cases.

Training of Members

One Voice Wales offers six training courses that are relevant in this context and they are:

Code of Conduct

Council as an Employer

Equality and Diversity

Effective Staff Management

Mediation Skills

The Councillor

Support available for individuals

SLCC members can access a wide range of training and personal development opportunities which can support them. By developing their professional skills and knowledge they can equip themselves to better manage some of the demands of their role. Available opportunities include ILCA, CiLCA, the Community Governance degree, and continuing professional development courses.

SLCC members also have access to a free counselling service to provide individual support when they are experiencing distress in their personal and professional lives. Details of this can be obtained by logging into the SLCC website.

In addition to this SLCC members who are also members of the Association of Local Council Clerks are entitled to individual employment advice and support from the trade union. Details of this can be found at www.alccunion.co.uk. Clerks may also be members of other trade unions who can offer individual employment advice and support.

Making a complaint and evidencing it

One Voice Wales and SLCC are aware that bullying and harassment allegations have primarily originated from Clerks in several Councils in Wales and in all cases, it has related to the approach of individual councillors rather than the Council. We are also aware that Clerks who have submitted complaints to the Public Services Ombudsman for Wales have often been dissatisfied with the result that the case has not been investigated. This has occasionally resulted in councillors often wrongly assuming that they have been exonerated. In those cases where Clerks have not been able to resolve such issues within the Council itself, the following checklist has been put together to assist them in formulating any complaint they may wish to submit to the Public Services Ombudsman for Wales.

Making a Complaint of Bullying and/or Harassment Checklist

Factual Evidence

- ☐ Can you document the dates, times and location?
- ☐ Do you have any witnesses who will support you?
- ☐ Are the witnesses prepared to write and sign a witness statement to accompany your complaint?
- ☐ Are the witnesses prepared to be interviewed if an investigation is undertaken by the PSOW or by the Council in the case of a grievance?

Read and Understand the Code of Conduct

- ☐ Identify which parts of the Code have been breached and how
- ☐ Explain how you consider the member has breached the Code

Collection of Written Evidence

- ☐ E-Mails
- ☐ Letters
- ☐ Memos
- ☐ Comments on social media
- ☐ Other

What support has been provided to you

- ☐ Staff
- ☐ Chairman/Mayor
- ☐ Other Councillors
- ☐ SLCC
- ☐ ALCC/ trade union

What is the impact on you personally

- ☐ Feeling undermined
- ☐ Illness (Describe)
- ☐ Absence from Work

Conclusion

The purpose of this guide is to help Councils and their employees develop a greater awareness and understanding of what constitutes unacceptable behaviour, the impact it can have on individuals and the Council as a whole and above all, what steps can be taken to address such issues when they occur.

Useful Links & Materials

OVW website - www.onevoicewales.org.uk

SLCC website - <https://www.slcc.co.uk>

PSOW website - <https://www.ombudsman.wales>

ALCC website - <https://www.alccunion.co.uk>



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Consultation on the electoral administration and reform White Paper

We are seeking your views on our proposals for electoral reform to modernise the electoral administration in Wales.

First published: 11 October 2022

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Ministerial foreword

I am proud of the progress we have made in the 5 years since the UK Parliament devolved responsibility for local and Senedd elections, through the Wales Act 2017. We have legislated to lower the voting age to 16, giving younger people a say in the running of their country. We enfranchised qualifying foreign nationals, in recognition of the contribution made by everyone who has made Wales their home.

We have also begun to lay the foundations for a 21st century voting system, including greater use of digital tools in the May 2022 local elections, and a clear set of principles to guide our longer-term programme of reform: equity, accessibility, participation, improving citizen experience, simplicity and integrity.

These are fundamental principles that lie behind our vision for elections in Wales. They reflect this government's clear priority to increase voter participation and ensure that every citizen is able to play their full part in our democracy. They also stand in contrast to many of the actions pursued by the UK Government, which seem designed to make it harder for people to vote in UK elections.

This document gives more detail on our priorities in progressing our vision. This is a long-term vision, and not everything in this paper will be delivered overnight. This document is not about the new arrangements that the Senedd has voted for itself to allow it to better serve the people of Wales, but many of the propositions contained here help elections run more smoothly and bring the Senedd's Members ever closer to the public.

In introducing our vision for the future, I want to thank 2 groups of people in particular: first, every person who puts themselves forward to work for their community. The overwhelming majority of people are genuinely motivated by public service, and we see this at work each day in communities across Wales.

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Second, the people who work so hard behind the scenes throughout the year to make sure our democratic processes work smoothly.

Mick Antoniw MS.

Counsel General and Minister for the Constitution.

Chapter 1: introduction

Devolved elections policy

Responsibility for elections to local government and to the Senedd were devolved through the Wales Act 2017. Throughout this document these are referred to as “devolved elections”. The Westminster Government is responsible for policy relating to elections to the House of Commons and for Police and Crime Commissioner elections, which are referred to as “reserved elections” throughout this document.

In 2017, the Welsh Government consulted on immediate priorities for reform in the [Electoral Reform in Local Government in Wales White Paper](#). This included lowering the voting age for devolved elections to 16 and enfranchising more foreign nationals resident in Wales.

These immediate priorities were legislated for through the [Senedd and Elections \(Wales\) Act 2020](#) and the [Local Government and Elections \(Wales\) Act 2021](#). As a consequence of these 2 Acts, a number of changes have been made for devolved elections, including:

- the franchise has been extended to 16 and 17 year olds, and qualifying foreign nationals
- local authorities can decide to adopt the Single Transferrable Vote system

for their elections, in place of the First Past the Post system. Draft rules for STV elections will be published for consultation soon. Any Council looking to change its voting system must consult locally and pass a resolution by two-thirds of all its members by November 2024, if it wishes to introduce STV for the 2027 ordinary elections

- updating the disqualification regime so that local government employees who are not in politically restricted posts can stand for election to their own councils without having to resign first

The time is now right to accelerate our reform agenda and start to realise our ambitions to modernise electoral administration in Wales. In the **2021 Programme for Government**, the Welsh Government committed to “reforming local government elections to reduce the democratic deficit”. This White Paper sets out what those reforms will entail, but many of the propositions will also support improvements to Senedd Elections.

Framework for electoral reform

On 15 July 2021 Mick Antoniw MS, the Counsel General and Minister for the Constitution, published a **Written Statement** setting out the Welsh Government’s framework for electoral reform. This explained how the Welsh Government would respond to UK-wide reform being taken forward by the Westminster Government, and what would underpin future reform for devolved elections.

Central to this framework were the following 6 principles, which the Welsh Government will use to benchmark electoral reform and guide our work to support democratic engagement and participation. These principles reflect how a resilient electoral system is part of our efforts to improve outcomes for all people, including the National Goals of the Wellbeing of Future Generations (Wales) Act 2015 and the **Anti-racist Wales Action Plan**. We invite comments on these principles.

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1. Equity: every person that wishes to participate in democracy must be enabled to do so, and to do so in a safe and respectful environment, so that our institutions are diverse and representative of the people they serve.
2. Accessibility: changes to electoral systems and electoral law should be based on the principle of making voting and participation in democracy as accessible and convenient as possible, building capacity to allow that to happen and encouraging creativity at every level of democracy.
3. Participation: we want as many people as possible to exercise their democratic right to vote. It is the role of everyone involved in electoral administration to maximise the number of people turning out at elections.
4. Improving citizen experience: citizens should be provided with the tools to shape their communities and country through engagement, representation and participation.
5. Simplicity: the administrative electoral system and electoral law in Wales must be modernised to make registering to vote, voting and participating more straightforward for citizens.
6. Integrity: integrity and transparency must underpin all electoral reforms in Wales. We must have a system that citizens trust and a sharing of information from legitimate sources.

Senedd reform

Alongside the Programme for Government's commitment to electoral reform, the Welsh Government has agreed to take forward Senedd Reform, as part of its Co-operation Agreement with Plaid Cymru.

In June 2022, the Senedd voted to endorse the recommendations contained in **Reforming our Senedd: A stronger voice for the people of Wales**, the report of the cross-party Special Purpose Committee on Senedd Reform (SPC). The Welsh Government is working to prepare legislation to implement these

recommendations. This includes 16 new constituencies for the Senedd, each returning 6 members through the d'Hondt system currently used for Senedd regions, and commitments to ensure diversity of membership.

The legislation to implement the Senedd's agreed reforms is not the subject of this White Paper, but there are areas where this White Paper takes account of the new arrangements for Senedd elections and broader changes that would support the new system.

Structure of White Paper

This White Paper first sets out the longer-term vision for electoral reform. It seeks views on what changes may be desirable in the future and should be considered further by the Welsh Government. Chapters then set out aspects of more immediate reform, first to simplify electoral registration and more clearly identify the Welsh electorate in chapter 3, then proposals to improve the administration of devolved elections in chapter 4, approaches to support voters and candidates participate in elections are set out at chapter 5, ways that elections can be modernised to take account of new technology and citizen demands are at chapter 6, and finally chapter 7 sets out broader improvements to how local democracy operate beyond elections.

We want to know your views on all aspects of this document but have also indicated areas of the document likely to be of particular interest to different people to make it easier for you to respond. Electoral administrators might want to focus on chapters 3, 4 and 6 outlining our proposals for simplifying electoral registration, strengthening electoral administration and modernising Welsh elections. Voters could look in particular at parts of chapters 3, 5 and 6 covering our proposals for automatic registration, improving student and young people registration, and improving access to the democratic process. Candidates and elected members will be interested in much of chapter 4 on strengthening electoral administration and parts of chapters 5 and 7 in particular proposals on

candidate safety, improving diversity, training for elected members and rules about councillors serving as members of the Senedd.

Chapter 2: long term vision for devolved elections

This White Paper sets out our proposals for immediate reform of devolved elections. It is an important milestone on a longer-term journey. In the future, we have further ambitions.

Consolidating the law for accessibility and simplicity

We hold an ambition to consolidate the statute book for Wales where we can, to deliver an accessible, bilingual legislative framework. We are taking the steps below to consolidate electoral law in Wales for devolved elections, as part of our longer term goal of modernising electoral law.

The National Assembly for Wales (Representation of the People) Order 2007, (“the Conduct Order”) sets out the detailed rules for the conduct of elections to Senedd Cymru. It sets out the way in which the election and the election campaign are conducted, including provisions for legal challenge to the election.

The Conduct Order has been reviewed and amended before each Senedd election. It was originally made and subsequently amended by the Secretary of State, before the function of making the Order was transferred to the Welsh Ministers by the Wales Act 2017.

As the original Order was made in 2007, this represents a valuable opportunity for us to consolidate and re-state the law as part of an accessible, bilingual framework for the first time. In doing so, we will take account of the principles set

out in the Legislation (Wales) Act 2019 and seek to produce an Order which uses modern and clear language which is accessible to the reader.

We will look to consult on and remake a bi-lingual consolidated Conduct Order ahead of the 2026 Senedd Elections. In remaking the Order, we will reflect any changes needed as a consequence of taking forward policy proposals outlined in this consultation paper.

We will also ensure the Order implements any legislative changes required as the Welsh Government takes forward the proposals agreed by the Senedd for reforming itself in its **8 June 2022 debate**.

Enfranchising some prisoners from Wales

The 2017 White Paper asked for views on whether some prisoners from Wales should be able to vote in local government elections, with 50% of respondents in favour of such a change and 48% opposed. The Welsh Government is committed to enfranchising some prisoners from Wales, as participation in democracy would support their rehabilitation. This was also supported by the 5th Senedd's Equality, Local Government and Communities Committee.

The Welsh Government intended to introduce an amendment to the Local Government and Elections (Wales) Bill during its passage through the Senedd in 2020 which would have enfranchised some prisoners from Wales for local elections. However, following the suspension of Stage 2 scrutiny of the Bill in light of the Coronavirus emergency, the then Minister for Housing and Local Government confirmed to the Senedd this amendment would not be laid, given the complexity of issues in implementing such a change at such a challenging time.

This remains a priority but implementation requires a more collaborative and constructive relationship with the reserved justice system than currently exists.

The UK Government is opposed in principle to prisoner voting which makes further progress challenging so we have decided not to include this in our immediate reform programme but will continue to consider it as a longer term priority.

Electronic remote voting/online absent voting

The simplest expression of our Equity and Accessibility principles is that everyone who is eligible and wishes to vote should be able to. No one should miss their opportunity to vote due to the practical inconvenience of doing so.

For many voters, a modern, secure, and accessible system for voting remotely online using a computer or smartphone would be considered the gold standard of convenience. The Electoral Commission's October 2021 report '**The Future of Voting**' highlighted this as the most popular option for modernising elections and an expectation of the option among younger voters.

The report also noted the concerns around security and anonymity. While the current level of technology and the existing electoral systems do not necessarily provide the required security and assurance needed to deliver elections at a national level, innovations and technological advances continue to close the gap.

We therefore do not plan to legislate for electronic remote voting in the immediate term. That said, we recognise the potential benefits that online voting could bring and we will continue to consider the potential for such a system as a long-term goal.

In the meantime, we will consider establishing a set of practical criteria that a system would need to meet to be considered for implementation. These would be based around our reform principles with specific consideration around equity, integrity and participation with transparency also being a key consideration in

any such system.

Promoting diversity in democracy

Following endorsement by the Senedd, work is underway to consider the recommendation of the Special Purpose Committee on Senedd Reform (SPC) that the Senedd should be elected with integrated gender quotas, with mandatory zipping. The SPC also made several other recommendations to support an increase the diversity of Senedd members such as data on the diversity of candidates being made public and that political parties should be encouraged to publish diversity and inclusion strategies.

Promoting and supporting diversity amongst local elected members also remains a Welsh Government priority. Local elected members are in a privileged position: they are presented with opportunities to consider issues, discuss them, weigh up the evidence in favour of particular action and consider the implications of those actions for the communities they serve.

Communities are made up of individuals, each with different needs and aspirations, from different backgrounds and cultures, across a range of ages. It is important that those elected to represent communities reflect this diversity so that communities are confident all perspectives and points of view are being considered when decisions are made that impact on their lives.

The Welsh Government is therefore committed to promoting and supporting diversity in local democracy and has run 2 phases of the Diversity in Democracy Programme. This resulted in legislative changes such as the extension of family absence provisions for councillors, job sharing of offices for executive members, the creation of the role of assistant to the executive and making provision for multi-location meetings permanent. There has also been non-legislative action such as mentoring schemes and communications campaigns.

Prior to this, the Local Government (Wales) Measure 2011 created the local government candidates' survey, requires councils to survey their councillors about the timings of meetings, created the role of head of democratic services and the Democratic Services Committee to ensure councillors have access to support to undertake their roles. We have recently strengthened the statutory guidance relating to these issues.

The Welsh Government will continue to support and work actively with partners to increase diversity in local democracy.

All-Wales database

An all-Wales database offers potential benefits in terms of data accuracy, identifying duplicate entries across multiple registers, single unique identifier codes and Wales wide look-up functions. These benefits are particularly useful in terms of potential future electoral reform such as vote anywhere schemes and advance voting.

The Local Government and Elections (Wales) Bill included provisions giving Welsh Ministers powers to establish an all-Wales database of electoral registration data. This was removed as part of the reassessment of legislative priorities in response to the Coronavirus emergency.

While the provision for such an all-Wales database was broadly welcomed by stakeholders and the Senedd's Equality, Local Government and Communities Committee, issues were raised relating to privacy, loss of local expertise in engaging under-represented groups, and the cost of such a database.

An all-Wales database would likely be helpful in modernising electoral registration systems although it could represent a significant financial cost and disruption to registration services. The implementation method and the potential additional benefits which could be provided by such a system will need to be

considered.

We will continue to consider the desirability of an all-Wales database and the need to legislate for such a provision. Views from the electoral community on the desirability of such a database and the potential benefits or costs would be welcome.

Monitoring impact of existing legislation

There are areas where we would like to understand views on the implications and effectiveness of recent legislation that affect how elections in Wales are run. The following are of particular interest.

Coincidence or combinations of elections: dissolution and Calling of Parliament Act 2022

Elections to the Senedd and local government have always operated differently to elections of Members of Parliament, but the differences have become more pronounced over time. With the Fixed-term Parliaments Act 2011, Westminster elections were ostensibly on more predictable timescales, and the Senedd and local elections moved to similar cycles to avoid elections to the Westminster parliament, which would be confusing to voters and complicated for administrators if they coincided or were combined.

We strongly asserted to the Westminster Government that the repeal of the Fixed-term Parliaments Act, by the Dissolution and Calling of Parliament Act 2022, should not lead to Westminster elections being held on the same day as devolved elections. During the second reading debate in the House of Lords, the UK Minister gave a commitment that the Prime Minister would consider the dates of scheduled elections to devolved legislatures. We will continue to press for the avoidance of combined or coinciding reserved and devolved elections.

Digital imprints: Elections Act 2022

UK Government provisions introduced in the Elections Act 2022 can be broadly summarised as introducing a new digital imprints regime which requires political campaigners to explicitly show who they are and on behalf of whom they are promoting digital campaigning material. Once in force, all paid for digital political material will require an imprint, regardless of who it is promoted by. Certain campaigners, such as elected representatives and political parties will also require a digital imprint on their organic material if it constitutes digital election material, referendum material or recall petition material.

In March 2022, the Senedd granted its consent for the digital imprints provisions to apply to devolved elections. This means that there is consistency in the requirements which apply to digital campaign material used in Senedd, local government, Westminster and Police and Crime Commissioner elections.

The Welsh Government recommended consent for these requirements to apply to devolved elections, so that elections would be simpler for voters and candidates or agents. We also stated that, as responsibility for local and Senedd elections is devolved, it is appropriate for the Senedd to scrutinise the rules of such elections.

If the UK-wide regime is implemented as expected through secondary legislation, we do not expect we would need to produce different requirements for digital campaign material for devolved elections.

While we set a high bar for considering divergent rules in this area, given the likelihood of confusion and significant complications for enforcement where it may be unclear if digital campaign material relates to devolved or reserved elections, we may need to return to it if the UK-wide regime does not progress as expected.

Online nominations: Local Government and Elections (Wales) Act 2021/2021 Rules

For the local elections in May 2021, nominations of candidacy could be filed online. This innovation has been discussed extensively with electoral administrators, in particular the balance between convenience and speed against accuracy and the challenges presented by late filing of electronic nominations.

In some areas, an online portal was used for nominations. This appeared to help reduce errors and improve the process for both electoral administrators and candidates or agents. The Wales Electoral Coordination Board has undertaken a review to identify possible options in this space, and we may need to update legislation to support innovation in this area.

Term lengths: Local Government and Elections (Wales) Act 2021

Principal councils and Town and Community Councils now operate with a term of five years between elections. This was introduced to align with the cycles of other elections, with the intention of reducing the likelihood of elections coinciding, this was prior to the Dissolution and Calling of Parliament Act 2022 removing the regularity of House of Commons elections.

While there was broad support for this provision during the scrutiny of the 2021 Act, there remain different views on whether a 4 or 5 year term is preferable for local government members. This includes the balance of voters being empowered to keep their elected representatives in check, and councils' longer term planning capability to make significant changes locally. A shorter period between elections would also limit the potential for electoral reviews (**discussed below**), and the time for principal councils to opt for the Single Transferable Vote, the decision in respect of which must be taken by 15 November in the year

3 years before the next ordinary election (roughly 18 months after an election in the current 5 year cycle).

Chapter 3: simplifying electoral registration in Wales

Restating the franchise

In order to be eligible to vote in a Senedd or local election in Wales a person must be:

- eligible to be registered to vote in the constituency
- be of voting age, 16 years old on polling day
- not subject to any legal incapacity to vote
- meet one of the following criteria on nationality:
 - be either a British, qualifying Commonwealth citizen or a citizen of the Republic of Ireland
 - a legally resident foreign citizen (with leave to enter or remain in the UK or not require such leave)
 - a citizen of an EU country

The current franchise for devolved elections, as set out above, reflects amendment through the [Senedd and Elections \(Wales\) Act 2020](#) and the [Local Government and Elections \(Wales\) Act 2021](#) since responsibility for elections was devolved. Both these Acts amended the Representation of the People Act 1983, with a link to the Government of Wales Act 2006.

The current provisions setting out the franchise for devolved elections in Wales are untidy, which creates complexity for those responsible for interpreting the legislation and those who are responsible for administering elections.

In addition, as the UK is no longer a member of the European Union (EU), the legal basis for an automatic grant of voting and candidacy rights to all EU citizens no longer exists. Therefore, we are considering the changes we need to make to the franchise to reflect the fact that EU citizens no longer have an automatic right to vote in the UK. One option is to treat EU citizens in the same way as we treat foreign nationals from other countries, whilst another option may be to align voting rights with immigration status. We may also need to consider the effect of the reciprocal voting and candidacy rights agreements.

We are considering restating the franchise for Welsh elections in one bilingual Act and updating the franchise and candidacy rights for EU citizens now that the UK has left the EU.

Automatic registration

To be on the electoral register, voters in the UK must currently take part in the Individual Electoral Registration process on an annual basis. This system requires the local authority to contact each household to either verify existing electoral data or identify new voters, who are then invited to apply to be on the register.

In 2017 the Welsh Government consulted on expanding the methods available to Electoral Registration Officers (EROs) to register voters for local government elections. [The Electoral Reform in Local Government in Wales](#) consultation asked, “Should Electoral Registration Officers have a greater range of sources available to them to assist citizens in being added to the register?”. This question included automatic registration as an option. 77% of respondents agreed that EROs should have a great range of sources at their disposal, including automatic registration.

These proposals were taken forward in the Local Government and Elections (Wales) Act 2021, which made provision for an Electoral Registration Officer at a

local authority to register a voter without application using local data to identify the person. These provisions were not mandatory and have not yet been commenced. At the moment this option is not available.

The provisions were not commenced because of the major changes taking place to the annual canvass process, and we supported efforts being focussed on administering the extension of the franchise for devolved elections. We were also keen to make sure that the most vulnerable voters were safeguarded by any system of automatic registration and the processes around registering to vote were as straight forward as possible.

Following this further reflection, we now propose some changes to the current provisions and making automatic registration of voters mandatory for all Electoral Registration Officers in Wales. This would allow EROs to add anyone to the local government electoral register (which is also used for Senedd elections) using data held by the local authority. We believe this would be of particular benefit to those newly enfranchised 16 and 17 year olds and qualifying foreign citizens in Wales, that will be supported through this process in realising their right to vote in devolved elections. We also believe making registration a more straight forward process for these groups will help them in developing their relationship with democracy in Wales and could increase participation in Senedd and local government elections.

Having looked closely at the use of electoral registers, we are proposing to remove the open register for devolved elections in Wales. This would mean that the data of voters on the local government register in Wales could not be sold to some third parties. However, the data would still be available to those organisations and agencies the law currently provides for (such as for electoral purposes, credit checks and law enforcement purposes).

We are seeking views on the best way to make the process of automatic registration as easy as possible for the voter while safeguarding those who would want to register anonymously. We would also ask for views on how best

to collect and use locally held data to make sure that the local government electoral register remains as accurate as possible and uses the best quality data.

We propose to work with local authorities to run a series of pilots in a future year on automatically registering electors. These pilots will focus on how best to collect data, how to use existing data most effectively to identify electors and verify their identity and how best to communicate with electors. We are particularly keen to hear from local authorities that would be willing to participate in these pilots so they can work with us to develop the programme over the coming months.

Improving student and young people's registration rates

University students in Wales have proportionately lower rates of registration and participation in elections. Several barriers may hinder students from having their voices heard on issues that are important to them, for example more regularly moving addresses means traditional registration efforts, like Household Notification Letters, are less effective.

We propose allowing students to register to vote during their enrolment week through a data sharing agreement between their university and the student's relevant local authority. This could happen immediately by including an invitation to register to vote form within the information pack received by students during enrolment. Universities could receive and check this form before sending on to the relevant Local Authority's Electoral Services Team who could add the student to the register. Evidence suggests this process is highly effective in engaging students, helping them to become aware of their rights within the area they are educated in and assisting them to register to vote. Cardiff Council reported that for the 2021 to 2022 academic year, their data sharing agreement with Cardiff University led to 8,340 students being registered.

We wish to work with local authorities and institutions in the higher education sector in Wales to establish a model in which data sharing agreements, for the register to vote process only, are in place across Wales. Greater data sharing could also support the approach to automatic registration set out above.

University student voter registration is a subject of concern which the Welsh Government has been made aware of and is seeking to address through this approach. This work will sit alongside the proposed automatic registration pilots until a time in which that work goes beyond the pilot phase. Should this be the case, University student registration work will become part of automatic registration.

Chapter 4: strengthening electoral administration

Electoral Management Board

There is currently no statutory body responsible for coordinating elections for Wales. The Wales Electoral Coordination Board (WECB) was set up in 2017 with a remit of co-ordinating electoral events and activity, modernisation and reform. It also promotes and supports greater collaboration between Returning Officers, Electoral Registration Officers and other key partners. Normally, it comprises of the 5 Regional Returning Officers, who currently have a formal role in relation to the Senedd's 5 electoral regions.

The WECB is a non-statutory, voluntary body facilitated by the Electoral Commission, it does not receive Welsh Government funding and Returning Officers are not mandated to participate or take account of the WECB's discussions or recommendations. In Scotland, the body that plays a similar but more official role is the Electoral Management Board for Scotland, which was established by the Local Electoral Administration (Scotland) Act 2011. This Board has the general functions of co-ordinating the administration of Scottish

parliamentary elections, and local government elections in Scotland.

We propose to legislate for the establishment of an Electoral Management Board in Wales (“the Board”) which would perform functions independently of government that are currently undertaken by the WECB. The functions carried out by the Board could develop over time in line with future electoral reform.

In our proposal, the Board would bring together representatives from the professional electoral community and be accountable to the Senedd. Its role would be distinct from, but complementary to, the work of Electoral Commission and the Association of Electoral Administrators (AEA).

In facilitating co-operation and mutual support between electoral registration officers and returning officers, the Board would be well placed to advise Welsh Ministers on the capacity of local election teams. By placing the Board on a statutory footing, we also propose that the chair of the Board could, after consultation with other members, be able to make directions and give advice in areas where a consistent, all-Wales position would be beneficial. This is the case with the Convener of the Electoral Management Board for Scotland. An example of where a power of direction could be helpful would be in interpreting and applying guidance such as was seen in response to the coronavirus emergency.

Given it would operate independently of government, there is potential for the Board to provide a neutral platform for both hosting information and signposting to other trusted sources of electoral information. This could include information for voters on how to register or cast their vote, or on candidates standing in elections. This would support our ambition to improve accessibility by providing easily available information to anyone needing. If we were to progress with this proposal, we would want to protect the Board from responsibility for policing the content of material it hosts, for example on behalf of candidates.

A further role the Board could play would be to commission and publish data and

research. This would enable the Board to advise both Welsh Ministers and the Senedd on issues related to the democratic health of the nation, for example, turnout at elections, and in particular participation of under-represented groups.

The Local Democracy and Boundary Commission for Wales

The recent completion of the ten-year programme of principal council electoral reviews resulted in better electoral arrangements for voters and councils across Wales. Following its completion, discussions with local government, the WLGA and the Local Democracy and Boundary Commission for Wales (the Commission) identified potential improvements to the review process that could better support the aim of effective and convenient local government.

Part of the reforms the Senedd has agreed for itself affect the Commission. The Special Purpose Committee recommended Senedd Reform legislation should reconstitute and rename the Commission to reflect a new function of undertaking boundary reviews of Senedd constituencies. These matters are not considered in this consultation paper. However, we propose amending the name of the Commission's current Audit Committee to the Governance and Audit Committee, and to amend its functions in any legislation arising from this White Paper. This would ensure scrutiny within the Commission is based on current best practice.

Principal Council Electoral Reviews

Period for making Electoral Review Orders

Section 29(8) of the [Local Government \(Democracy\) Wales Act 2013](#) (the 2013 Act) prohibits the Commission from publishing any electoral reviews of principal councils during the period of nine months or less before the day of an

ordinary council election. The purpose of this provision was to ensure the electoral arrangements for a principal council area were certain, so that principal councils, election teams, political parties and others have sufficient time to prepare for the elections in reliance on that certainty.

However, there is no similar provision to prevent Welsh Ministers from making electoral review orders during this period. Though Welsh Ministers can choose not to implement reviews under section 37(1)(b) of the 2013 Act and the Gould convention suggests electoral legislation should not be made 6 months or less in advance of an election, the existing legislation does not prevent Welsh Ministers from making an electoral review order during this period. We do not believe existing legislation and the convention give sufficient assurance to voters, candidates, political parties, and other stakeholders that orders will not be made in the run up to ordinary council elections. We therefore propose confirming in legislation Welsh Ministers may not make electoral review orders in any period of 6 months preceding the day of an ordinary council election thereby removing the possibility of uncertainty.

As a consequence of this, we intend to amend the timescale specified in section 29(8) of the 2013 Act so that the Commission could not publish final reports or recommendations relating to the electoral arrangements for principal councils within a specified period (of either twelve or fifteen months) in advance of an ordinary council election. We need to ensure any provision provides Welsh Ministers with sufficient time to consider the Commission's final reports, including if the Commission were asked to revisit a part of a review (see sections 4.33 to 4.34). The provision currently preventing Welsh Ministers from making decisions and orders during the period of 6 weeks from the date of the receipt of a final report (Section 37(3) of the 2013 Act) would be retained (the purpose of this period is to provide an opportunity for voters and others to make representations to the Welsh Ministers about the Commission's final report). We also propose to clarify this purpose in law (see section 4.32)).

Maximum Periods for the Conduct of a Review and the Making of Decisions

The 2013 Act currently includes no maximum period for the conduct of a review or a maximum period from the receipt of a final report during which the Welsh Ministers must decide whether they will implement the report's recommendations, with or without modification, or decide to take no action.

Although in practice new electoral arrangements following the conclusion of an electoral review come into force for the next ordinary council election, extended review periods and the absence of decisions can create electoral uncertainty. We therefore propose the maximum period for the conduct of an electoral review by the Commission should be 15 months and decisions should be made by Welsh Ministers to either implement the Commission's recommendations with or without modification, or decisions to make no order should be made within three months of their receiving the final report from the Commission. This would support focussed, meaningful engagement from stakeholders during the review period and ensure electoral arrangements are as up-to-date and relevant as possible.

Pausing reviews

Section 14 of the 2013 Act provides the Welsh Ministers with a general power of direction in relation to the Commission, and section 48 of that Act sets out the specific powers of the Welsh Ministers to issue directions in relation to the conduct of all the classes of review set out in Part 3 of that Act. These powers include a power to direct the Commission to undertake electoral reviews of principal councils in an order other than that which appears in their published ten-year programme and to direct that a review under Part 3 of the 2013 Act is stopped. However, these powers do not explicitly provide for the Welsh Ministers to pause an electoral review.

Recent public health emergencies suggest it could be of benefit for Welsh Ministers to hold more explicit powers in this regard. We propose the effect of a pause would be to ‘stop the clock’ on the review for a period, and then when it is restarted, the review would need to be completed in the remaining period of the maximum review period rather than extending the maximum period in which a review might be completed.

The 10 year programme of electoral reviews

Section 29(1) and (2) of the 2013 Act require the Commission to undertake an electoral review of each principal area’s electoral arrangements at least once every 10 years and to prepare and publish a programme for the conduct of all those reviews.

We intend to amend these provisions to clarify there is a requirement for the Commission to consult with the following in the preparation of the programme for the conduct of electoral arrangement reviews:

- County and County Borough councils
- Town and Community councils
- National Park authorities
- Fire and Rescue authorities
- Port Health authorities
- Welsh Language Commissioner
- Trade Unions
- other bodies to be specified in regulations by the Welsh Ministers

We will amend the Act to provide for a common list of mandatory consultees for the 10 year programme, the pre-review process and consultation on the draft proposals for electoral arrangements. We will maintain the provision for the Commission to consult any other persons or organisations it feels would have an interest in the review.

Also, we intend to require that the Commission must ensure as far as is reasonably practical that it schedules electoral reviews no later than two years after the conclusion of a community review ([see below](#)). This will ensure the currency of the electoral arrangements for the next scheduled ordinary council elections.

Voter engagement

The Welsh Government believes it is essential eligible voters (we mean everyone who is entitled to vote in principal council elections whether they are registered to vote or not) have as much opportunity as possible to engage with and shape the arrangements that will ultimately determine how they will be represented on their county or county borough councils. We therefore intend to strengthen the requirement for the Commission to demonstrate that it has arrangements in place to ensure the opportunities for voter engagement are maximised. We will therefore:

- add local government voters to the list of mandatory consultees (this will not extend to providing them with copies of reports)
- require the procedure and methodology for reviews (section 34(2) of the 2013 Act) to include arrangements for maximising opportunities for directly seeking the views of local government voters
- provide in statutory guidance made under section 44 of the Local Government and Elections (Wales) Act 2021 that principal councils set out in their participation strategies how they will seek and enable the views of voters to be captured and considered as part of the review process

Ward names

It was clear in the response from the public to consultation on the draft and final electoral review reports in the recently completed ten-year cycle, there is a deep

interest and passion in the naming of electoral wards in both Welsh and English. The Welsh Government feels this should, therefore, be given a more central place in the review process and the methodology and approach to determining ward names should be set out clearly and consulted upon in the Commission's procedure and methodology for conducting reviews. We therefore propose to introduce legislation to make this a requirement.

Section 29(9)(d) of the 2013 Act includes the name of any electoral ward in the definition of electoral arrangements. We intend to require consideration of the name of an electoral ward includes ensuring the Commission demonstrates in its reports that it has considered both the Welsh and English name of every ward in the local government area under review. As part of this we will require the Commission to publish ward names in Welsh and English in both the Welsh and English language versions of their reports and documentation. This will enable electors and other stakeholders to more easily and readily consider the approach taken in identifying the recommended ward names.

Considerations for the review of Principal Area Electoral Arrangements

Section 30 of the 2013 Act sets out considerations the Commission must take into account when making recommendations in relation to the electoral arrangements for a principal council.

These considerations are expressed in 2 parts. Firstly, section 30(1) provides that the Commission must:

1. seek to ensure that the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area
2. have regard to:
 - the desirability of fixing boundaries for electoral wards which are and will

remain easily identifiable

- the desirability of not breaking local ties when fixing boundaries for electoral wards

Further to this section 30(2) states “For the purposes of subsection (1)(a), account is to be taken of:

1. any discrepancy between the number of local government electors and the number of persons that are eligible to be local government electors (as indicated by relevant official statistics)
2. any change to the number or distribution of local government electors in the principal area which is likely to take place in the period of 5 years immediately following the making of any recommendation

This creates an impression the current number of registered local government electors is the most important factor to be taken into consideration and any differences between registered electors and population or future changes are second order issues and can be given less weight. This is not the intention of the legislation, as each electoral review must be robust enough to provide for effective and convenient local government for at least the next 10 years. For clarity, we intend to express these criteria in such a way as to ensure there is no doubt all these factors must be considered and given even weight during consultation and deliberation on the electoral arrangements for a principal area.

As part of discussions with stakeholders further important considerations were identified which can impact on the number of councillors and the size of an electoral ward these include:

- whether there is a student population
- whether there are significant numbers of visitors
- whether there is a concentration of businesses
- whether the ward is urban or rural
- the levels of deprivation in the proposed ward

We therefore also intend to legislate to extend the range of considerations the Commission must take into account when formulating its recommendations for electoral arrangements. We will require the Commission to set out and consult upon how it will balance these considerations when setting out its draft and final recommendations, and in its procedure and methodology for electoral reviews.

Requirement for the Commission to set out the data sets used to underpin their review

In its conduct of electoral reviews, the Commission draws on many data sets and is likely to be required to draw on even more sets to fulfil the requirements set out in these proposals. Everyone impacted by the review should be able to understand which data sets are being drawn on, we will therefore require the Commission to set out this information in its procedure and methodology and its draft and final proposals reports.

Further consultation on recommendations in the final report

It was clear from representations made to the Welsh Ministers on several final reports in the recently completed ten-year electoral review process, and from engagement with stakeholders more widely, where final recommendations introduce proposals for new electoral arrangements which were not an option in the draft proposals report, there should be further specific consultation with the voters and councillors in the wards affected by those changed proposals. We therefore intend to require in those circumstances, the Commission undertakes a further targeted consultation with these voters and councillors before being able to prepare the final report and submitting it to the Welsh Ministers. The Commission will also be required to enable all mandatory consultees and others they deem to be interested in the review to submit further responses on this aspect of the review only.

Submission of final reports to the Welsh ministers

Section 37(3) of the 2013 Act requires the Welsh Ministers to wait for a period of six weeks before taking action to implement any review recommendations which fall to them to implement or to decide to take no action. This applies to implementation of the recommendations either with or without modification. This period is often referred to as ‘the representation period’ where voters and other stakeholders can submit their views on the final recommendations in a review report to the Welsh Ministers. We intend to legislate to clarify the purpose of the 6 week period is for this process and the Welsh Ministers will not consider or take any action on review recommendations until this period has elapsed. We will also clarify until this period is completed, the Welsh Ministers cannot make an Order, decide to take no action or remit the report to the Commission for further consideration. Further when this period is completed, Welsh Ministers will be required to take into consideration any representations they have received about the final recommendations report, before deciding whether to make an order, to take no action or to remit the report to the Commission for further consideration.

Implementation following an electoral review

Section 37 of the 2013 Act sets out the Welsh Ministers’ powers in relation to the implementation of the recommendations contained in the Commission’s final reports. The powers include accepting all the recommendations, rejecting the recommendations, or modifying them. Modification is only possible if the Welsh Ministers consider it would improve the arrangements for effective and convenient local government having considered the criteria under which the Commission must undertake electoral reviews as set out in section 30 of the 2013 Act (discussed above).

There is currently no power for the Welsh Ministers, having considered these

criteria, to direct the Commission to reconsider and consult again on a part of an electoral review. We propose such a power is introduced but that it is confined to situations where the majority of the recommendations have resulted in proposals for more effective and convenient local government but, having considered the criteria and representations submitted during the 6 week representation period, the Welsh Ministers conclude that arrangements concerning a particular ward or collection of wards could be improved. We consider this would introduce further transparency into the process, enabling voters and communities specifically impacted by the arrangements to be directly consulted and have focused input into any further proposals, as well as all mandatory consultees and other interested parties.

Publication and distribution of hard copies of reports and other documentation

Finally, we intend to remove any requirements in current legislation on the Commission relating to the production and distribution of hard copy reports and other documentation. This will remove a significant burden from the Commission and reflect current practice. We will retain a requirement for the Commission to make hard copies, including in accessible forms, available on request.

Community reviews

Section 22 of the 2013 Act requires principal councils to monitor the communities and their electoral arrangements in its area. In doing so councils must have regard to the ten-year programme of electoral reviews published by the Commission and any directions issued to it by the Welsh Ministers.

In keeping the community arrangements and related electoral arrangements under review, the council must seek to ensure effective and convenient local government, provide the Commission with such information as it may require

and once every 10 years publish a report describing how it has discharged these duties and send a copy of the report to the Commission.

Experience from the recent programme of electoral reviews suggests that these provisions are not robust enough to ensure effective and convenient local government is achieved both with community arrangements and principal council electoral arrangements in the most efficient way or in a way that enables voters to engage with the process in a full awareness of the implications of both processes.

We are therefore proposing to introduce legislation which will make it clear that a principal council must undertake a full review of all its communities and their related electoral arrangements once in every 10 year period. This 10 year period would be linked to the 10 year period that the Commission sets out for its electoral review programme and principal councils and the Commission will be required to discharge their duties to ensure the principal council can then discharge its duty in relation to completion of a community review in advance of an electoral review being completed.

We also propose introducing legislation to require principal councils to report annually to their full council on their communities and community electoral arrangements, including a summary of any local orders made during the year. As well as sending a copy of this report to the Commission, as they already do, a copy of the report must also be sent to the Welsh Ministers. We believe an annual report is essential to demonstrate active consideration of the duty to keep communities and their electoral arrangements under review and to ensure voters and communities feel their concerns are addressed in a timely manner.

We will also require principal councils to publish any local orders in a dedicated section of their website and send electronic copies to the Commission and to the Welsh Ministers. These orders are critical building blocks for principal council electoral reviews and are integral to the Commission and Welsh Ministers being able to discharge their statutory duties in this regard. We will therefore legislate

to ensure these local orders cannot take effect until the duty to send copies of the local orders to the Commission and the Welsh Ministers is discharged. In addition, to ensure there is transparency and a single database of these orders, we propose requiring the Commission to publish the orders on its website.

In addition, where a community council requests a change of name under section 76 of the Local Government Act 1972, we will maintain the requirement for the principal council to provide notice of the change to the Commission and the Welsh Ministers, but we propose that the name change cannot take effect until the duty to provide notice to the Commission and Welsh Ministers is discharged. This information is also essential in enabling the Commission and the Welsh Ministers to discharge their statutory duties in relation to electoral reviews. We will require each principal council to maintain an up-to-date list of community areas and their names in a dedicated area on their websites. We will also require the Commission to maintain and publish on its website an aggregate register of community area and community council names.

Community reviews are time consuming and rightly involve lengthy periods of consultation with local communities. However, like electoral reviews they lose their currency and relevance if conducted over too long a period. We therefore intend to set a maximum time period for the undertaking of a community review of 24 months and a three-month requirement for decisions to be made on whether the recommendations should be implemented once the final report is published.

As noted above, when fulfilling their duty under section 22 of the 2013 Act principal councils must seek to ensure effective and convenient local government. Section 33 of the 2013 Act also requires principal councils to consider whether a community should be divided into wards or whether there should be a single election to the community as a whole. In doing this it has to take into account the number of voters in the community and whether this is likely to change in the next 5 years, any discrepancies between registered voters and the population, any local ties and the desirability of fixing boundaries that

are easily identifiable.

However, in terms of the determination of community areas, current legislation sets out no specific considerations to be taken into account. The Welsh Government would like your views on whether there should be further considerations and, if so, what these should be. Examples could be considerations similar to those relating to electoral reviews: urban and rural communities, students and day visitors, deprivation, the numbers of businesses as well as the desirability of fixing community boundaries that are easily identifiable, community ties, current and future population and the difference between registered voters and population.

The Commission has recently revised its guidance to principal councils on undertaking community reviews, but we intend to introduce legislation to require the Commission to consult and set out a procedure and methodology for community reviews to be used by itself and principal councils when undertaking reviews along similar lines to the requirement in section 34(2) of the 2013 Act in relation to principal council electoral reviews. We propose that the Welsh Ministers should have the power to make regulations requiring community reviews to be undertaken in accordance with guidance issued by themselves or in accordance with such other guidance issued by other bodies, that the Welsh Ministers may specify in regulations.

Like electoral reviews the current legislation does not provide for a part of a full community review i.e., a review of all the community areas in a principal council area, to be re-consulted upon prior to the implementation of a final recommendations report. Neither does it expressly provide for a full community review to be paused (there is express reference to a community review being stopped). We intend to legislate to enable partial reviews to be undertaken at the request of the decision-making body, the Commission, or the Welsh Ministers, following the completion of final recommendation reports and for the pausing of a community review.

In relation to pausing a full community review, we propose that the Welsh Ministers be given a clearer power to pause a community review for the same reasons as are set out in relation to electoral reviews, such as a public health or other emergency.

The arrangements we have suggested above for principal councils' electoral reviews in relation to mandatory consultees would also apply in the case of community reviews, as would the proposals relating to changes in the final recommendations report which were not options consulted upon in the draft report.

Similarly, we intend to clarify the purpose of the 6 week 'representation period' in section 38 of the 2013 Act in respect of the implementation of community reviews. This would mean the Commission should treat this 6 week period as a further consultation period where representations can be received from interested parties which it must then take account of as part of its decision-making process on the final report recommendations. Neither would it be able to make any orders or decisions to undertake its own review during that 6 week period.

We also intend to remove any requirements relating to hard copy distribution of reports and other documentation in relation to community reviews, but will retain a requirement for hard copies, including in accessible forms, to be made available on request. In addition, we will also require the reports relating to community reviews to clearly set out the data sets that underpin its considerations.

Seaward boundaries

Sections 28 of the 2013 Act makes provision for the Commission to review the seaward boundaries of local government areas (and preserved counties), while section 46 sets out the extent to which parts of the seashore and projections

from the seashore (whether natural or artificial) already form part of the communities to which they adjoin.

The provisions were carried forward from the Local Government Act 1972 and were made before the advent of the possibility of developments such as tidal lagoons. We believe it is likely that Wales could see more proposals for such developments, and it is important the legislation relating to seaward boundaries is considered in terms of its fitness for purpose to accommodate such developments, which might span the seaward boundaries of multiple local government areas or require an area's or areas' seaward boundary to be extended and then contracted to provide for construction. We therefore intend to review these provisions to ensure the legislative basis for seaward boundary reviews is fit for purpose. In particular, we propose to enable the arrangements for multiple local government areas and the expansion and contraction of seaward boundaries to be made as part of a single review and for any recommendations, if accepted, to be made or modified in a single order.

Matters relating to electoral and other reviews not requiring legislation

Electoral reviews and other review reports are complex but need to be accessible to a wide range of stakeholders and interested parties not all of whom are professional or technical experts. We will therefore work with the Commission to improve the accessibility of reports and data by using digital opportunities such as a mapping portal and best practice in accessible reporting.

Functions of the Independent Remuneration Panel for Wales

In October 2021, we published the **10 Year Review of the Independent Remuneration Panel for Wales** (the review). The independent report made recommendations in relation to the operation of the Independent Remuneration

Panel for Wales (the Panel) and the secretariat support it receives from the Welsh Government.

We agree with the recommendation secretariat support for the Panel should be provided by a body other than the Welsh Government, which would reinforce the independence of the Panel's operation and functions and avoid conflicts of interest within the Welsh Government. We therefore propose to enable the Commission (the current Local Democracy and Boundary Commission for Wales) to provide secretariat support, removing the function from the Welsh Government. The Commission is already a body corporate and can employ staff, hold assets, is required to have an audit committee, and produce accounts. We believe, therefore, as well as addressing the recommendation in the Review relating to the secretariat function these arrangements will provide for greater transparency and efficiency of the Panel's operation.

We propose moving further than the Review's recommendations by dissolving the Panel and transferring its functions to the Commission. This would mean one set of commissioners would determine the numbers of councillors across Wales, the electoral arrangements, and the remuneration of councillors. There is significant synergy in this work, which relies on the same data relating to the role of councillors, the matters impacting upon that role and an understanding of the communities councillors represent.

The functions to be transferred would include those set out in the Local Government (Wales) Measure 2011 relating to the remuneration of elected members of relevant authorities and functions in the Local Government and Elections (Wales) Act 2021 (sections 142 to 144) (the 2021 Act) which confer specific functions on the Panel in the event of a voluntary merger between two or more principal councils or other form of restructuring.

As part of the transfer, we intend to remove the function set out in section 143A of the 2011 Measure in relation to the remuneration of principal council chief executives. This provision was added in response to a specific set of

circumstances which are no longer relevant and other mechanisms, such as the requirement to publish pay policy statements in accordance with sections 38 to 43 of the Localism Act 2011, now exist to ensure transparency in relation to the remuneration arrangements for a principal council's most senior employee.

We are also seeking views on whether the functions transferring should be clarified to enable the Commission to consider 'parachute' payments for local elected members as part of the councillors' total remuneration package. Parachute payments are available for members of the UK Parliament and the Senedd when candidates have stood for election but have failed to be re-elected. The payments are sometimes likened to redundancy payments for employees and are linked to length of time served in the elected office. This recognises these roles are full time and individuals have forgone full time employment or career development to undertake them. There have been many previous calls for parachute payments to be available to local elected members on a similar basis. We are therefore interested in views as to whether this should be enabled.

Technical, consequential, transitional and saving provision

We propose to make any necessary consequential, transitional, or saving provision to support these proposals as required, for example, phasing the transfer in of the current functions of the Panel, saving the effect of any of its previous determinations, ensuring electoral and community reviews started under previous legislation can be finished and implemented on the basis under which they commenced. There are also a small number of technical legal changes we intend to make to section 38 of the 2013 Act relating to the Commission's order making powers to ensure it can make any necessary provision for the practical arrangements that may be needed to give effect to a community review order, for example, the transfer of staff from one community council to another.

Campaign finance, expenses and political party spending

The existing regulatory framework governing the spending and funding (political finance) of candidates, political parties and third-party campaigners and other campaigners is contained within the Representation of the People Act 1983 and the Political Parties, Elections and Referendums Act 2000 (PPERA). Part 4 of the UK Elections Act 2022 expanded and strengthened the law about political finance by:

- clarifying the rules on notional spending
- strengthening the rules so that third-party spending is restricted to UK based entities and eligible overseas electors only
- increasing transparency around third-party campaigning

It also made provision for changes to the registration of political parties and prohibits dual registration to prevent parties and campaigners from unfairly expanding their spending limits.

Whilst the amendments in relation to the registration of political parties will apply to Westminster elections, local elections in England and devolved elections in Wales, the provisions relating to notional spending, and those strengthening the rules around third-party spending apply only to Westminster elections and local government elections in England. As a result, in future there will be a difference in the political finance rules as they apply to reserved and devolved elections in Wales. This has the potential to create voter confusion and administrative complexity for the electoral community.

Whenever there is policy alignment, we want a clear and consistent regulatory framework for both reserved and devolved elections in Wales as far as possible. We consider that this would be beneficial for voters, candidates and campaigners. Therefore, where appropriate, we propose to introduce equivalent provisions in respect of devolved elections in Wales. This could entail:

- clarification of the law in relation to Senedd and local government elections so candidates need only report notional expenditure (i.e. the use of property etc. on behalf of candidates or others) that they or their election agent have directed, authorised or encouraged someone else to use on the candidate's behalf. They would not be responsible for reporting benefits in kind that they did not know about. Consideration is also being given to applying the same principle to spending by other campaigners, including political parties, during regulated periods in respect of standalone Senedd elections (i.e. where the regulated period for a Senedd election does not overlap with the regulated period for UK parliamentary elections)
- restricting third-party campaigning during a regulated period prior to standalone Senedd elections to groups eligible to register with the Electoral Commission only, removing the scope for spending by ineligible foreign third-party campaigners. This could also involve the Welsh Ministers having a power to amend the list of eligible campaigners specified in PPERA for the regulated period of such elections
- clarification of the law in relation to the payment of expenses through election agents to ensure that third parties are able to incur and pay for authorised expenses, rather than those expenses having to be paid through the agent of the candidate they are promoting
- the introduction of a lower-tier expenditure limit for the notification of expenditure by third-party campaigners
- the Electoral Commission would also be enabled/instructed to provide guidance in respect of any such changes

Electoral pilots

In July 2021 we invited all local authorities in Wales to submit proposals to pilot different ways of voting, which resulted in four authorities piloting advance voting at the local government elections in May 2022. We wanted to see if we could make the electoral process more accessible, and voters in Blaenau Gwent,

Bridgend, Caerphilly and Torfaen were given the opportunity of voting in advance of polling day and also had choice over where they voted.

The pilots were delivered under Section 10 of the Representation of the People Act 2000, which allows local authorities to vary electoral rules for local elections, subject to Ministerial approval. This allows local authorities to trial innovative processes in the following areas:

- when, where and how voting at the elections is to take place
- how the votes cast at the elections are to be counted and the administration of the election after votes have been cast
- sending by candidates of election communications free of charge for postage

The independent evaluation of the pilots conducted by the Electoral Commission was published on 2 August 2022. The experience of running the pilots and the Electoral Commission's evaluation of them provide useful evidence about how electoral innovations work in practice, as well as identifying areas which would need to be addressed before consideration could be given to any further rollout of advance voting. In terms of potential future pilot schemes, we are likely to want to test further innovations in electoral administration to respond to lifestyle changes and emerging technologies and we will use the evidence provided by the advance voting pilots and Electoral Commission's report to consider how best to design, develop and deliver pilots in other areas of electoral administration. For example, we are currently considering a set of registration pilots to establish the most effective, and accurate, way of registering voters without application. We are interested in views about what other types of pilots the electoral community would like to deliver and what other electoral innovations could be piloted. We can consider whether these can be delivered within the existing powers or whether those powers would need to be broadened to allow for their delivery.

While Ministers must approve pilot proposals submitted by authorities, the current power does not allow Ministers to direct authorities to undertake pilots.

While it was a strength that the May 2022 pilots were co-designed by the participating authorities, the electoral community and the Welsh Government, only 4 authorities, all in South Wales, responded positively to our invitation to deliver advance voting pilots.

For future pilots we would be interested in a more varied mix of authorities, including in different regions or rural authorities. We consider that this could potentially be achieved through the Welsh Ministers having a power to direct authorities to participate in a pilot, or by earlier and varied communications and engagement to encourage take up.

Returning Officers and requirements relating to the Welsh language

The Welsh Government is committed to ensuring that the Welsh language is treated no less favourably than the English language when elections are held in Wales.

During the legislative scrutiny of the Local Government and Elections (Wales) Act 2021, concerns were raised about the office of Returning Officers (ROs) not being subject to any legal duties in relation to the Welsh language. Ministers therefore committed to consider this issue in future legislation on the reform of the electoral administration.

To date, ROs have, in practice, been complying with the spirit of the Welsh Language Standards when providing some services. The Welsh Language (Wales) Measure 2011 makes provision for the specification of standards of conduct in relation to the Welsh language known as the Welsh Language Standards.

However, this matter is quite complex because there are some interconnected issues to be considered. Firstly, the role of ROs, being varied and depending on

the type of election and its legal requirements (including where there are combined polls at devolved and reserved elections), secondly their statutory independence as officeholder, and last their accountability for the elections being administered.

ROs do not fall under one of the categories of bodies listed in Schedule 6 of the Welsh Language (Wales) Measure 2011 and there is not currently any legal duty on them to comply with the Welsh Language Standards.

However, guidance issued by the **Electoral Commission** sets out that:

“ROs in Wales are also required to have regard to the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, which require services in Wales to be delivered equally in English and in Welsh”. ”

Chapter 5: building democratic health

Section A: for voters

A wide body of research argues that the availability, quality and accessibility of information available to voters is lacking. **The Doing Democracy Better report**, based on research by the University College of London's Constitution Unit, states that:

“Voters are currently badly let down by the quality of campaign information and discourse”. ”

A lack of knowledge and understanding is a key barrier to people taking part in democratic life, including elections. One of the key findings from the **Welsh Government-commissioned research published in 2020** was:

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“ “A lack of knowledge, finding politics confusing and unappealing and general disillusionment were key engagement barriers”. ”

This lack of knowledge is not exclusive to elections but to politics more generally. Participants in the research expressed confusion about the differences between the levels of government and who is responsible for the delivery of services.

Local authorities and the Electoral Commission provide information to voters about the electoral register, ways to vote, when an election is taking place and polling details. However, information about candidates and/or political parties to help voters make an informed decision is sometimes unavailable or inaccessible. Wider information about the importance of taking part in an election is even more disparate.

Accessible voter information

Currently, a range of organisations provide information to voters. The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. They have a duty to promote public awareness of electoral systems (section 13 Political Parties, Elections and Referendums Act 2000). The Electoral Commission run campaigns, so people know when the deadlines are for registering to vote, and applying for postal and proxy votes, as well as ensuring that people have all the information they need to vote, including how to find their polling station.

Local authorities are responsible for providing voters with ‘procedural information’ on such matters as when an election is taking place and how and where voters can cast their ballots. Typically, this information is provided by the council via communications like the annual canvass, Household Notification Letters, and poll cards.

Candidates standing in local government elections are now required to declare if they have been members of a registered political party, other than that shown in their candidacy, in the twelve months prior to the election. However, there is no legal requirement for additional ‘factual information’ to be collected and provided to voters about candidates and/or political parties to help voters make an informed decision on how to cast their vote.

Our 2017 Electoral Reform in Local Government in Wales White Paper asked about the provision of candidate statements, and whether respondents agreed that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election. 84% of respondents supported this proposal, or 89% of respondents to the youth-friendly version. A key reason cited in support was that such a move would improve democracy and voters' understanding of what a candidate stood for.

The Welsh Government originally made provision for the publication of candidate statements in the draft Rules for the 2021 local elections, which were consulted on with stakeholders. Following responses to the consultation, we decided to remove these provisions from the final Rules given concerns expressed about the administrative and legal burdens for Returning Officers.

Some digital solutions to this information gap have been developed by not-for-profit organisations like the Democracy Club, who provide citizens with information to make participation easier. However, these solutions tend to be delivered by organisations that rely on volunteers and with unpredictable funding.

The Welsh Government is considering how provision for candidate statements can be taken forward, including whether centralising and simplifying the provision of voter information should be a statutory responsibility of a body with access to secure funding.

Improving accessibility of electoral process for underrepresented people

Some people, particularly disabled people, can find it particularly difficult to access the electoral process. This includes the issue of accessibility of the information discussed above being particularly acute and some physical barriers faced in independently casting a vote.

The Welsh Government is committed to using the Social Model of Disability in all aspects of its work. The Social Model of Disability tells us that individuals may have an impairment or difference, but it is society that disables them by the obstacles we put in their way. Using the Social Model requires that barriers are removed so that disabled people are able to participate fully.

Discussions with stakeholders have suggested support for a reliable, trusted and easy to access source of information, which should take into account the need for information to be provided in other formats, for example easy read. We have been told some disabled people, particularly people with learning disabilities and their carers, are not aware they are eligible to vote. Information may be available but is not always easy to access.

We are continuing to work with organisations that support disabled people and carers to encourage voters to register and signpost them to support available to help them exercise their vote. As part of this work, we will consider information needs in languages other than English and Welsh, and how information can be provided in a convenient, accessible and trusted way; including for voters who cannot or do not wish to access information digitally.

We are also keen to explore how we can encourage political parties to produce accessible materials. We are aware of a number of organisations who can support best practice in terms of engagement and propose working collectively with these organisations, political parties, the Electoral Commission and others

to produce best practice guidelines, and to set out accessibility standards that should be considered when designing election publicity material.

There is robust evidence (for example, the Electoral Commission's report, '**Elections for Everyone**' and the UK Government's '**Access to Elections: Call for Evidence**') disabled people face physical barriers when trying to exercise their right to vote. We want to ensure the physical environment in which voting takes place is accessible for all voters, and are working with the Electoral Commission, electoral administrators and other stakeholders to consider whether changes can be made to guidance and training for polling station staff to better support disabled people.

We will also consider changes to electoral legislation to ensure devolved elections can be administered in a manner that is accessible for all, while also safeguarding the integrity of the elections. Our ongoing conversations with stakeholders and other governments in the UK have identified innovations which could be used to help disabled people vote whilst also protecting their right to cast their vote in secret. The Elections Act 2022 amended Schedule 1 of the Representation of the People Act 1983, which previously required Returning Officers at reserved elections to provide each polling station with a device for voters with sight loss. The 2022 Act replaces this with a new broader requirement to provide such equipment as is reasonable for the purposes of enabling, or making it easier for disabled people to vote independently.

We want to consider what measures can be put in place to make it easier for disabled people to vote independently, and how that can be achieved in a way that is flexible and ensures the assistance provided reflects the needs of voters. This will include further stakeholder engagement and consideration how an amendment to legislation, similar to that in the Elections Act 2022, could best operate.

Education

The extension of the voter franchise to 16 and 17 year olds for Senedd and local government elections in Wales, allows them to participate in the democratic process when they are more likely to be in a stable environment and in education. This would not be the case for all young people and we will continue our efforts to ensure that all young people have the same opportunities to participate, regardless of their circumstances.

The **Curriculum for Wales**, which began its roll-out in September 2022, is the biggest reform in devolved education in Wales to date. The underpinnings of the previous curriculum were developed over 30 years ago in a wholly different cultural and technological context. To better reflect the world we live in and to ensure that we equip our learners for the world ahead of rapid technological, social and economic change, the new curriculum has been designed to better prepare our children and young people to thrive in a future where digital skills, adaptability and creativity, alongside knowledge, are crucial.

Our legacy to the next generation of our children and young people is that they are able to lead fulfilling personal, civic and professional lives in our modern democracy. That is why the **4 purposes** sit at the very heart of the Curriculum for Wales's framework and outlines our aspirations for every learner in Wales. Crucially, one of these is to help learners develop as ethical, informed citizens of Wales and the world. For our learners to realise the 4 purposes, high expectations are set for everyone, promoting individual and national well-being, tackling ignorance and misinformation, and encouraging critical and civic engagement.

The four purposes are supported by 27 statements of what matters, across six Areas of Learning and Experience. Collectively these represent what we want for all educated 16 year old learners in Wales. The statements of what matters are mandatory under **Statement of What Matters Code** within every school's

curriculum ensuring consistency across Wales.

The Humanities Area of Learning and Experience, as well as the Health and Well-being Area includes “what matters” statements that outline the mandatory learning for all learners. These include learning that helps learners in understanding and applying their democratic and their legal rights and protections. One such example of a what matters statement is “Informed, self-aware citizens engage with the challenges and opportunities that face humanity, and are able to take considered and ethical action.” This will support learners to participate in decision-making and share opinions and evidence with decision-makers and elected representatives in their community. Mandatory aspects of this statement include:

- helping learners to consider the impact of their actions when exercising their democratic rights and responsibilities
- developing learners’ understanding of their responsibilities as citizens of Wales
- helping learners identify with and contribute to their communities
- developing learners as self-aware, informed, ethical global citizens

As the Curriculum for Wales is rolled out, the Welsh Government will work closely with our education partners in our regions and local authorities to develop a coherent and sustainable framework for supporting schools to ensure learners progress in this area of learning. We want to ensure that learners have opportunities to increase their understanding of democracy and the role they must play as citizens in an engaging way that promotes a lifelong habit of participation.

To deliver the new curriculum effectively and realise our shared vision, it is vital that our schools have the support, understanding and resources. We have developed resources to help our young people develop as ethical, informed citizens who understand their rights and exercise their democratic responsibilities and ensuring politically neutral materials for our teachers to

teach this area with confidence.

Section B: for candidates

The safety of people standing to represent their local communities as candidates to the Senedd or local authorities has become an increasing concern over recent years. While serious incidents thankfully remain rare, according to the Local Government Association's Councillors' "Guide to Handling Harassment, Abuse and Intimidation", we intend to support candidate broadly in two areas: changes we will make to the Undue Influence Offence and broader measures we intend to take forward to monitor and tackle a growing issue.

Strengthening of the undue influence electoral offence

The Elections Act 2022 introduced for reserved elections new language to modernise and strengthen one of the classic electoral offences, Undue Influence. Others electoral offences are 'bribery' and 'treating'. All are labelled 'corrupt practices' in electoral law and carry an additional electoral sanction.

This change followed a number of different reports and consultations on electoral offences in recent years. In 2016, in its review of electoral law the Electoral Commission recommended that the offence should be redrafted and modernised. Sir Eric Pickles in his report [Securing the Ballot](#) also advised that the offence should be strengthened. In 2018, the UK Government launched the consultation '[Protecting the Debate: Intimidation, influence and information](#)' asking whether the offence should be redrafted and what it should cover. The language inserted into the Representation of the People Act 1983 by the UK Government's Election Act 2022 subsequently clarifies the offence in two important ways, damage to a person's reputation and the importance of intent.

We now also intend to update the definition of the offence in relation to devolved

elections, replicating the revised language set out in the Elections Act 2022. This will strengthen the definition of Undue Influence with regard to the intent to commit an act and also with regard to damage a person's reputation.

Other measures we propose to take on candidate safety

The Welsh Government recently commissioned the Wales Centre for Public Policy (WCPP) to assess existing evidence around a number of key electoral issues. This included whether electoral candidates, particularly those from under-represented groups, are deterred from seeking election by fear of abuse, including harassment and intimidation.

The **WCPPs report Reform of Electoral Law and Practice** indicated that where evidence was available that abuse can be gendered and racialised. Despite the lack of detailed data, there is also evidence to suggest this can be an issue for some candidates. This is reflected in evidence collected from local councillors, the General Election Survey 2017 and reports in social media and press, which detail online abuse through to threats to the physical safety of the candidate, families and property.

There are already several actions being taken by key stakeholders. For example, the Electoral Commission, and the National Police Chiefs' Council issued their **Joint Guidance for all Candidates** on safety measures which may be taken. The WLGA also provides supporting material that focus on early intervention for elected members and also facilitated a Fair and Respectful Campaign pledge prior to recent election.

However, while we are building the evidence base to allow us to take more targeted actions to help reduce instances of abuse of electoral candidates, we propose to focus on the following short and long-term actions:

- evidence: we would like to collect information from candidates post-election

to develop our evidence base on the type and frequency of abuse encountered and the personal impact that may have

- communication: we are considering what communications could be helpful in reducing abuse in campaigns, this could include in schools, or inclusion in a national communication campaign in advance of major elections
- costs: to ensure fairness in electoral campaigns, candidates may only spend a certain amount on their campaign, commonly referred to as election spending limits. We could introduce legislation to exempt spending on safety-related necessities or for protection of persons or property during campaigns
- support and advice: some support is already available to candidates on personal safety and online abuse. It may be helpful to better signpost this information to candidates, possibly supplemented with training in advance of major elections. This could be a responsibility of the Electoral Management Board discussed above
- campaign pledge: additional consideration could be given to encouraging all candidates to sign up to a campaign pledge, similar to WLGA's "Fair and Respectful campaign" pledge in advance of the 2022 local elections
- online abuse: the UK Government's Online Safety Bill is currently being considered in Parliament. This will place duties on certain companies to remove illegal content and to address harmful material in line with their terms and conditions and will place further duties on Ofcom as the regulator. We are monitoring the implications for devolved elections as this Bill makes its way through Parliament
- statement of persons nominated: the rules for local and Senedd elections could be amended to require that the SOPN form includes a standard description of the geographical qualifications for standing as a candidate to remove local pressure on candidates to publish their home address

Access to Elected Office Fund

Another strand of our work to promote greater diversity amongst elected

representatives is the establishment of the 'Access to Elected Office Fund'. The aim of the current fund is to support disabled candidates in devolved Welsh elections for the costs they incur when campaigning such as palantypists. Any support received from the Fund is excluded from candidates' spending limits. The Fund was established on a pilot basis for the 2021 Senedd and 2022 local government elections. We are awaiting the final evaluation report, but early indications are the Fund was valued and well received.

In light of this, and our Programme for Government commitment to extend the Fund to support for candidates from other underrepresented groups, we propose to legislate to require the Welsh Ministers to maintain an 'Access to Elected Office Fund' which is available for all devolved Welsh ordinary and by elections. We propose, following consultation with stakeholders and interested parties, the Welsh Ministers will be able to set out the scope of the scheme in regulations within parameters linked to the purpose of the Fund set out in primary legislation. The proposed parameters are to provide support for candidates from underrepresented groups.

Local government candidates' survey

Since 2011, local authorities are legally required to monitor the equality and diversity of candidates seeking election to county and county borough councils and community and town councils. Questions may be asked about gender, sexual orientation, language, race, age, disability, religion or belief, health, education or qualification, employment, and work as a councillor.

The purpose of the survey is to understand the characteristics of the candidates, and those who are elected as councillors; and to understand how the profile of this group changes over time. The information collected from the surveys enables Welsh Ministers to understand the impact of policies aimed at widening participation in local government and to support future policy development.

Surveys have been undertaken in 2012, 2017 and again for the May 2022 local government elections. In advance of each election the survey questions have been reviewed and changes to those questions were made in regulations. This is because the survey once set cannot be changed without making regulations. In addition, there is no flexibility for local authorities to include questions they might wish to ask to inform local policies.

Removal of the requirement to set out the specific wording of the survey in regulations (secondary legislation) will make it easier to change aspects of it as policy develops. We believe, in future, the wording of the survey should be reviewed by a group of key partners, including local government, representatives of equality groups and other interested parties. Recommendations would then be made to Welsh Ministers to change or improve the survey. We believe these recommendations would form a core set of all Wales questions. Not defining this core set of questions in regulations would also mean that principal councils could add questions aimed at providing information about local initiatives. We believe this approach provides for consistency across Wales, continuity of the time series of the data set and also enables local flexibility to add questions.

Chapter 6: modernising Welsh elections

Advance voting

In May 2022, as part of four pilots schemes that were delivered in respect of the local government elections, voters in Blaenau Gwent, Bridgend, Caerphilly and Torfaen were given the opportunity to vote in advance of polling day, and had additional flexibility over where they voted. The Electoral Commission is required by law to evaluate any such pilot schemes, and it published its report on these schemes on 2 August 2022.

The Electoral Commission found that the pilots were well run and that there

were no notable issues on either the advance voting days or polling day. Voters were satisfied with their experience of voting early and welcomed the flexibility and additional choice it afforded them. However, the opportunity to vote early did not increase voter turnout in the areas trialling the pilot schemes. The Electoral Commission concluded that this was not unexpected as people's decision to vote is driven by several factors. The Electoral Commission was unable to judge from the evidence of the pilots what impact advance voting, if introduced more widely, would have on voter turnout over time. Although the pilots were well run, the Electoral Commission was clear that further work would be needed to develop any future policy and supporting administrative structure before a decision could be taken on whether advance voting should be rolled out more widely.

We are keen to bring the ballot box closer to people's lives and make voting as easy as possible for voters. We need to consider the Electoral Commission's evaluation report carefully to consider whether enabling advance voting and voting at alternative venues, such as colleges, schools, workplaces or places where there are large gatherings of people, would assist in delivering this aim, and whether this should become normal practise in devolved elections (local government and Senedd Cymru elections) in the same way that postal voting and proxy voting has, and we are keen to hear your views on this proposal.

Reforming postal and proxy voting

We are conscious of the divergence of reserved elections from our existing system following Elections Act 2022, which may create confusion and complexity for administrators and voters. This could have a knock-on effect for people being able to vote in absentia. The impact of the UK Government's change to a 3 year renewal cycle for absent vote applications must be considered against the implications of the divergence. Without a change the current divergence in renewal times could result in different sets or personal identifier being held for the same elector.

The UK Elections Act 2022 contains powers to establish an Online Absent Voting Application system for reserved elections. While the system and approach were welcome, and a single system would have been simpler for voters, the inclusion of enhanced ID verification within the system made this inappropriate, amendments were laid to carve non-reserved elections out of the provisions.

We are in the process of considering both short and long-term options for a similar system for devolved elections. We are keen to gauge views on the range of options from a fully online system similar to the one intended by the UK Government to a central application portal providing voters with prefilled applications for them to return by post.

Postal vote ballot tracking

The number of Welsh voters using postal voting has continued to increase in recent years. At the Senedd Election in 2021, over 458,000 postal votes were issued in Wales, this represents an increase of more than 16% since 2016.

One of the principal concerns about postal voting amongst electors is that postal ballot packs will not be delivered in time to be counted. Despite the reliability of the postal voting system and low rejection rate of postal votes, public confidence in the safety of postal voting lags behind at 68% according to research undertaken by the Electoral Commission.

In addition, there is not currently a mechanism for Electoral Administrators to inform an elector of an error in their Postal Vote Statement or seek a correction. Voters are usually only informed that their vote has not been counted after the election. The most common errors relate to providing the required personal identifiers, the voter's signature and date of birth (or date of birth in the case of an anonymous voter) on the Postal Vote Statement. In Wales, errors resulted in

3.8% of all postal ballots being rejected during the 2021 Senedd Election.

One of the key recommendations of the [Wales Centre for Public Policy's report on Electoral Reform](#) was to provide a process for voters to be able to correct an error made in their Postal Vote Statement to reduce the number of rejected ballots. Due to uneven and unpredictable volumes of postal votes that are received in the run up to an election, Electoral Administrators have generally considered manual solutions to be too time consuming and costly to manage within their existing electoral teams.

Postal ballot return tracking facilities were successfully [piloted](#) by 2 local authority areas in England during the 2006 local government elections. The Electoral Commission concluded that these type of electronic tracking facilities have the potential to address voter concerns about the perceived unreliability of the postal delivery service. The tracking systems trialled during these pilots allowed local authorities to electronically scan and cross match postal vote statements and postal ballots to identify which ballot packs had been returned and provided a web-based facility that enabled voters to check whether their postal ballot packs had been received by the Returning Officer.

We are interested in exploring the introduction of a postal vote e-tracking system that would allow for the processing of incoming Postal Vote Statements and provides a mechanism to notify electors of errors so that corrections can be made in time to ensure that their postal votes are counted. We believe that an electronic system such as this would help to reduce the number of postal votes rejected and would have a positive impact on public confidence in the postal voting system by providing electors with live updates on the progress of their postal ballots.

It is likely that the development and introduction of a postal vote e-tracking system in Wales would be incremental. Initially this could involve the establishment of a simple delivery notification and error notification system. In the future there is potential for it to provide a broader system for engagement

with voters through the inclusion of things such as voter information, candidate statements, elections results and post-election engagement.

Digital registers

The use of digital registers in some local authorities during the flexible voting pilots in May 2022 demonstrated their viability as replacement for hardcopy Registers and corresponding number lists (CNLs). Electoral Administrators who have adopted the system have noted benefits in efficiency and staff usability.

The additional flexibility in the delivery of elections was shown within the Electoral Commission's evaluation of the 2022 Pilots. They allowed for quicker turnover for producing marked registers between polling days for advance voting. The live register functionality also allowed for electors to be eligible to vote in multiple locations. This would be essential for any future electoral reforms looking to allow electors to vote in any polling station within their area.

Feedback from Electoral Administrators who have employed the system has been positive with many wishing to continue using the system. Feedback from other Electoral Administrators has been mixed with questions around the cost and reliability of the system.

Examination and testing of existing Digital Register systems has shown them to have comparable levels of security to the traditional process. A review of the rules on the conduct of local government elections will be required, especially around the post-election storage of registers, to facilitate more convenient use of digital registers.

There is now strong evidence of the benefits of using Digital Registers in terms of convenience for voters, election staff and administrators. While we are not proposing to mandate the use of Digital Registers for devolved elections in Wales in the short-term, we will continue to facilitate and encourage their uptake.

We would be interested to hear your thoughts on the use of Digital Registers for non-reserved elections in Wales.

Chapter 7: improving our democracy

Training for elected members

The Local Government (Wales) Measure 2011 requires county and county borough councils to secure the provision of ‘reasonable training and development’ for their members’. While the term ‘reasonable training and development’ is not defined, guidance to local authorities sets out subjects that should be included in member training programmes. These subjects include induction, standards of conduct, equality and diversity and undertaking their role as a local member. The Local Government and Elections (Wales) Act 2021 requires town and community councils to prepare and publish training plans for their members and guidance suggests the training should cover similar subject areas.

At present all training and development for councillors is taken forward on a voluntary basis, with individual councillors choosing whether to attend. While many councillors engage with the opportunities offered to them, others take the view that as volunteers, elected by the public, they should not be compelled to attend training activities. While accepting individuals put themselves forward on a voluntary basis to stand for election, once elected, councillors play a significant role in society and have many responsibilities. For example, the case work of councillors involves helping people, often when they are at their most vulnerable. Councillors can also influence decisions about the everyday lives of people in their area through various decision-making processes such as their membership of planning and licensing committees.

Each councillor has a different set of knowledge, skills, and experiences of

life. However, with any role in society, especially those which exist to assist and represent others, there is an expectation councillors have the necessary level of knowledge and expertise to undertake activities on behalf of others. In addition, councillors need to put themselves in a position where they are not contravening legislation or endangering their personal safety or the safety of others. To do this they need to have a good understanding of things such as equality and diversity legislation, standards of conduct, working through social media and lone working.

As part of our work to support and encourage diversity amongst elected members, stakeholders have suggested mandating specific training for councillors. A programme which identifies areas of awareness and training all councillors should receive, with the training requirements building as councillors take on additional roles, such as a member or chair of a committee.

If mandatory training were introduced, there would be two aspects to be considered. The first would be the requirement for councils to provide the training including consideration of what levels, type and extent of training would be specified as mandatory. This would need to be considered to ensure councillors across Wales had access to the same quality and extent of mandatory training.

Secondly, we believe it would be important for candidates to understand and agree to undertaking the training in advance of being elected. This could be achieved through a declaration at the point of nomination that individuals understand and are willing to undertake mandatory training and reinforced by the oath of office if elected. The latter provides the opportunity for introducing sanctions under the ethical code of conduct if mandatory training is not undertaken without good reason. This would provide the candidate with a clear message they are expected to undertake appropriate training and would avoid individuals being elected and only then discovering they are required to undertake specific training.

Whilst we do not intend to legislate on this issue in this Senedd term we are interested in your views to inform future policy development.

Changes to the disqualification regime for Local Councillors from also serving as Members of the Senedd

We are considering whether to make changes to the current disqualification regime for election to the Senedd, in particular:

- disqualifying town and community councillors in Wales from serving as Members of the Senedd, bringing arrangements into line with the disqualification regime for principal council members in Wales
- removing the “grace period” for all councillors elected to the Senedd, and for the Members of the Senedd elected as councillors. Each proposed change is explained in turn

Disqualification of Town and Community Councillors from serving as Members of the Senedd

In 2014, the then National Assembly for Wales’s Constitutional and Legislative Affairs Committee **called** for the Welsh Government to review whether it was appropriate for an Assembly Member (known as a Member of the Senedd (MS) since 6 May 2020) to also serve as a county councillor. The Welsh Government felt that dual membership of the Senedd and a principal council was undesirable, time commitments of holding dual posts were incompatible and presented potential conflicts of interest. For this reason, the Welsh Government brought forward provisions as amendments to be included in the **Senedd and Elections (Wales) Act 2020 (part 4 Disqualification)** so that members of principal councils were disqualified from becoming members of the Senedd.

At that time, it was felt that the concerns and issues identified for principal

councillors were less relevant to town and community councillors, whose role and responsibilities appeared to be different than those of principal councillors. This distinction has become less clear over time, particularly in the light of the recent introduction of the general power of competence for eligible community councils (see section 24 and Chapter 2 of [the Local Government and Elections \(Wales\) Act 2021](#)) which gives a qualifying council the same power to act that an individual generally has, enabling them to act in innovative ways.

Moreover, town and community councillors play a vital role in representing the interest of their communities and influencing decision-makers (see [The Good Councillor's Guide for Community and Town Councillors](#)). They can have several roles in their communities, have numerous legal powers and can make decisions on services and assets. Therefore, it is felt the concerns and issues identified for principal councillors also extend to town and community councillors. A significant number of principal councillors are also town and community councillors (“dual-hatted”), especially in large councils. This strengthens the need to bring arrangements for town and community councillors into line with the disqualification regime for principal council members.

We therefore propose disqualifying town and community councillors in Wales from serving as Members of the Senedd, to bring arrangements into line with the disqualification regime for members of principal councils.

Removal of the “grace period” for all councillors elected to the Senedd and for the Members of the Senedd elected councillors.

Removal of grace period for councillors elected to the Senedd

Section 17E of the Government of Wales Act 2006 provides that principal councillors are not disqualified from becoming a Member of the Senedd where the next ordinary council election is due to take place within 372 days (“the

grace period”).

The grace period was conceived to avoid a casual vacancy and therefore a possible by-election or a vacant seat for up to 6 months at county and county borough council level in the 12 months before an ordinary election. If this vacancy arises outside of the grace period and the successful candidate is a member of a principal council, then (subject to section 17D of Government of Wales Act 2006) it will trigger a by-election in that member’s principal council.

During the grace period, principal councillors are entitled to remuneration for both roles. This places some principal councillors in a privileged position.

Whilst town and community councillors are not remunerated in the same way, the issues relating to conflicts of interest are still relevant and it could appear that those Senedd members who are town or community councillors are in an advantageous position over and above their peers for the grace period. This is because they have more access to Welsh Ministers through proximity and through the scrutiny process and form part of the legislation making body which sets the legislative framework for town and community councils.

We are interested in views on whether the current grace period for principal councillors elected as Members of the Senedd should be retained and whether there should be a grace period for town and community councillors who are elected as Members of the Senedd.

Removing the grace period would mean that if a member of a principal council or town or community council is elected as a Member of the Senedd and takes up that seat, the councillor’s seat will become vacant, and this may trigger a by-election at the local level (the outcome will depend on whether the relevant person is a member of a principal council or a town or community council and also when the vacancy arises).

Removal of grace period for Members of the Senedd elected councillors

Section 17F of the Government of Wales Act 2006 makes corresponding provision for Members of the Senedd who are elected as principal councillors. In this scenario, the MS is not disqualified where the next ordinary Senedd election is due to take place in 372 days (“the grace period”). For the same reasons as outlined in respect of principal councillors elected as MSs, we therefore propose removing the current grace period for Members of the Senedd who are elected as principal councillors and not to introduce a grace period for Members of the Senedd who are elected as town and community councillors.

Currently if a Senedd seat is vacated during a Senedd term then it will either trigger a constituency by-election (unless the vacancy is created within the 3-month period before the next ordinary general election), or for regional seats the next candidate on the list will usually be sworn in.

The latter will be true under the proportional list system, proposed under the Senedd Reform Programme. When a vacant seat arises (for example, due to a member resigning or passing away), this would usually be filled through the next candidate on a party’s list gaining that seat. And therefore, there will not usually be a need for a by-election to be run for the Senedd seat. The development of policy on casual vacancies will be considered as part of the Senedd Reform programme.

Impact assessments

We have published a draft Integrated Impact Assessment (IIA) and Regulatory Impact Assessment (RIA) alongside this White Paper, to provide best estimates for costs, benefits and impacts of the proposals. We will gather more information to bolster these assessments as we develop proposals following this

consultation. We would be grateful for your views on the assumptions and the approach set out.

Consultation questions

We would be keen to hear your views on these proposals, in particular on:

Chapter 1

Question 1

To what extent do you agree or disagree with the 6 principles for electoral reform of equity, accessibility, participation, improving citizen experience, simplicity, integrity?

Chapter 2

Question 2

Should the Welsh Government commit resource to considering how electronic remote voting could operate for devolved elections?

Question 3

What impacts, if any, do you think the proposed introduction of an all-Wales database of electoral registration data would have on the electoral process (such

as registration and electoral services)?

Please consider the potentially positive and negative impacts and provide evidence to support your response, where available. Please comment on each characteristic individually.

Question 4

What are your views on the application of Elections Act 2022 provisions on (a) digital imprints for digital campaign material, and (b) online nominations?

Question 5

Should principal and town and community councils revert to four year terms?

Chapter 3

Question 6

To what extent do you agree or disagree that the franchise for devolved elections should be restated in one bi-lingual Welsh Act?

Question 7

From your perspective, should the franchise reflect the changes in the status of EU citizens now the UK has left the EU?

Question 8

How can we best help people understand they have been automatically registered and feel confident that their data is protected, especially for people who may be vulnerable or wish to register anonymously?

Question 9

To what extent do you agree with the removal of the open register in relation to devolved elections?

Question 10

Should the Welsh Government place a duty on local authorities to have data sharing agreements within the authority itself, and where applicable, with other authorities or organisations?

Question 11

Are there any specific aspects of automatic registration that should be piloted before we move to an all Wales roll out?

Question 12

To what extent do you agree or disagree that students should have the option to register to vote whilst enrolling at university?

Question 12a

Should any data that is provided be subsequently shared, via a data sharing agreement, with the relevant Local Authority's Electoral Services Team?

Chapter 4

Question 13

Do you agree that a statutory Electoral Management Board for Wales should be established?

Question 14

If answered Strongly Agree or Agree to Question 13, what should its functions be?

Question 15

Should the Electoral Management Board have powers to issue directions to Returning Officers and Electoral Registration Officers?

Question 16

Should the Electoral Management Board have the power to issue advice to Returning Officers and Electoral Registration Officers on the carrying out of their functions?

Question 17

What are your views on who should be members of the Electoral Management Board and how they should be appointed?

Question 18

To what extent do you agree or disagree with our proposals to provide for greater electoral certainty by extending the statutory time during which no final electoral review reports can be published and no electoral review orders may be made?

Question 19a

At which point in the electoral cycle should the Commission be prevented from publishing electoral review reports:

Question 19b

Do you agree the Commission should, as far as possible, be required to schedule electoral reviews within two years of a community review being completed?

Question 20

To what extent do you agree or disagree with the suggested proposals for setting maximum review and decision making periods?

Question 21

What are your views on whether a power to pause the conduct of electoral reviews should be included in legislation?

Question 22

To what extent do you agree or disagree with the principle of a common, extended list of mandatory consultees for all parts of the electoral review process?

Question 23

To what extent do you agree or disagree that requirements to engage with eligible voters as part of the electoral review process should be strengthened, including in respect of ward names?

Question 24

To what extent do you agree or disagree with the proposals to amend and extend the considerations the Commission must take into account when determining electoral arrangements which maximise effective and convenient local government?

Question 25

Do you agree with our proposals requiring the Commission to undertake a further consultation where a recommendation in its proposed final review report is not one of the options it consulted upon in its draft report?

Question 26

Do you agree with our proposals to enable Welsh Ministers to require the Commission to revisit a part of an electoral review before they make an electoral review order?

Question 27

Are there any further changes to the electoral review process that should be considered?

Question 28

To what extent do you agree or disagree that the purpose of the six-week representation period should be clarified in the legislation?

Question 29

Do you agree that Welsh Ministers should be required to consider any representations received during this period before taking any action to direct the Commission to undertake further work or implement, modify or not implement the recommendations set out in the final recommendations report?

Question 30

To what extent do you agree or disagree that legal requirements on the Commission to provide hard copies of documentation should be removed, except for when they are requested?

Question 31

To what extent do you agree or disagree with the proposals for legislative change in relation to community reviews?

Question 32

Please provide any further comments on how you think the process of conducting community reviews could be improved.

Question 33

To what extent do you agree or disagree that seaward boundary review arrangements should be revised to include the ability for the Commission to undertake reviews relating to multiple local government areas and the expansion and contraction of seaward boundaries in a single review process? Should those arrangements to be included in the same review order?

Question 34

Do you agree with our proposals to transfer the functions of the Independent Remuneration Panel for Wales to the Commission?

Question 35

Do you agree that functions relating to the determination of the salaries of chief executives should be abolished and not transferred?

Question 36

What do you think about the idea that new powers should be created to enable determinations to be made about parachute payments for councillors?

Question 37

Do you agree with our proposal for Wales to maintain a single regulatory framework on political finance for reserved and devolved elections in Wales, where appropriate?

Question 38

Please provide any further comments on the specific measures under consideration regarding political finance.

Question 39

What types of innovation in electoral administration would you like to see piloted in the future?

Question 40

How could we facilitate a more varied mix of local authorities participating in future pilots?

Question 41

What are your views on a power of direction for Welsh Ministers which would enable them to compel a local authority to pilot electoral innovations?

Question 42

Should Returning Officers be subject to specific Welsh language requirements when elections take place?

Question 43

Are there any types of services you would like to see Returning Officers providing in Welsh?

Question 44

Have you ever experienced any issue related to the Welsh language during elections?

Chapter 5

Question 45

Should the Welsh Government consider making provision for an online voter information platform? What information should be provided on the platform and who should host it?

Question 46

Who would need to provide information to an online voter information platform and how could they be supported to do so?

Question 47

What should be done to encourage political parties to produce accessible materials?

Question 48

To what extent do you agree or disagree that the returning officer at devolved elections should be under a duty to provide such equipment as it is reasonable to provide for the purposes of making it easier for disabled people to vote?

Question 49

What support should be put in place to ensure the returning officer is able to effectively discharge that role?

Question 50

Do you think the Welsh Government should specify in regulations the type of assistance which must be offered to disabled voters in polling stations?

Question 51

What sort of assistance do you think should be offered to disabled voters in polling stations?

Question 52

In addition to provisions in the Curriculum for Wales, are there any other measures that the Welsh Government should put in place through the education system to ensure that learners in Wales can confidently take part in Welsh elections?

Question 53

To what extent do you agree or disagree that the definition of the electoral offence of Undue Influence provided by section 114A of the Representation of the People Act 1983 be used for devolved elections?

Question 54

Do you think some or all of these proposed actions described in the White Paper will help to contribute to reducing instances of abuse of candidates?

Question 55

If an exemption from candidates spending limits for security related spending is sought, what activities should be included in that exemption?

Question 56

Will the proposed addition to the standard wording included in the Statement of Persons Nominated form have the desired effect of reducing occurrences of abuse or would different measures would be more effective?

Question 57

What other actions would contribute to reducing instances of abuse of candidates?

Question 58

Should Welsh Ministers legislate to require the establishment and maintenance of an 'Access to Elected Office Fund'?

Question 59

Should this Fund be available to support candidates from under-represented groups for all devolved Welsh ordinary and by-elections?

Question 60

If you agree the Fund should be a requirement set out in primary legislation, what should be the parameters within which the Fund should operate?

Question 61

To what extent do you agree or disagree that the requirement to set out the Local Government Candidates' Survey questions in regulations should be removed?

Question 61a

If Strongly Agree or Agree, should the survey be updated through a formal review process involving key partners?

Question 62

Do you agree there should be flexibility for local authorities to ask questions about local widening participation measures?

Question 63

Do you agree questions should be included in the survey about candidates' experiences of abuse and harassment (see the section on "other measures we are taking to ensure candidates safety")?

Question 64

Do you think Welsh Ministers should approve the full set of questions or only the core all-Wales questions?

Chapter 6

Question 65

What are your views on the impact of maintaining the current renewal time of 5 years in light of the Elections Act 2022 changes?

Question 66

Would you like to see advance voting and /or voting in a range of venues offered for devolved elections across Wales?

Question 67

Do you support the introduction of an online absent voting application system in Wales? If yes, what would you like to see in place?

Question 68a

Do you think that such a system would help to reduce the number of postal votes rejected due to errors on PVS' and help raise public confidence in the postal voting system?

Question 68b

Could a manual system be used to do this?

Question 69

Would the introduction of a postal ballot tracking system, such as that described above, create a significant administrative burden on local authority electoral teams?

Question 70

Do you support the introduction of a postal vote e-tracking system in Wales?

Question 71

Do you support the wider introduction and use of Digital Registers for non-reserved elections in Wales? What are the benefits or detriments of doing so?

Question 72

Are there any potential barriers to a wider introduction of Digital Registers?

Chapter 7

Question 73

To what extent do you agree or disagree that there should be mandatory training and development for councillors?

Question 74

If Strongly Agree or agree to question 73, should this mandatory training and development for councillors include principal councils and town and community councils?

Question 75

If Strongly Agree or Agree to question 74, should the expectations for mandatory training be different between principal councils and town and community councils?

Question 76

If Strongly Agree or Agree to question 75, what proposals would you make for areas to be included in mandatory training?

Question 77

If Strongly Agree or Agree that there should be mandatory training, do you consider candidates should be asked to confirm their willingness to undertake it as part of the nomination of candidates' process?

Question 78

Should there then be sanctions for candidates who do not confirm they are prepared to undertake mandatory training?

Question 79

Should a commitment to undertake mandatory training and development form part of the oath successful candidates must take before being able to take up their office?

Question 80

If Yes at Q79 what sanctions should apply to elected members for then not undertaking mandatory training and development?

Question 81

To what extent do you agree or disagree with the policy proposal to bring arrangements for Town and Community councillors into line with the disqualification regime for principal council members in Wales, so that members of Town and Community councils are disqualified from becoming a member of the Senedd?

Question 82

To what extent do you agree or disagree that the grace period for all councillors elected to the Senedd should be retained?

Question 83

To what extent do you agree or disagree with the approach to assessing the impacts of the proposals set out in the draft IIA? Do you have any comments?

Question 84

To what extent do you agree or disagree with the approach to assessing the costs and benefits of the legislative proposals set out in the draft RIA?

Question 85

Are there other areas that should be considered as we develop the IIA and RIA further?

Question 86

Please identify any other sources of data and information that we should consider in the IIA and RIA ?

Question 87

We would like to know your views on the effects that our proposals for electoral reform would have on the Welsh language, specifically on:

- opportunities for people to use Welsh, and
- on treating the Welsh language no less favourably than English

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 88

Please also explain how you believe the proposed policy could be formulated or

changed so as to have:

- positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language

Question 89

We have asked a number of specific questions. If you have any comments on any related issues which we have not specifically addressed, please tell us below:

How to respond

Submit your comments by **10 January 2023**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email elections.consultation@gov.wales
- download, complete our [response form](#) and post to:

Elections Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner's Office

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do

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Further information and related documents

Number: WG45246

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