

Dylan Hughes and Peter Mullen

Clerks to the Council /

Clercod i'r Cyngor

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Gwersyllt Community Resource Centre

Second Avenue

Gwersyllt

Wrexham

LL11 4ED

14 July 2022

Dear Councillor

Your attendance is requested at a **virtual MEETING of GWERSYLLT COMMUNITY COUNCIL** to be held on **WEDNESDAY, 20 JULY 2022 at 7.00 p.m.** for the transaction of the business specified below.

Yours sincerely



Clerk to the Council

Note: In accordance with previously agreed arrangements, the Council will endeavour to complete its business by 8.45 p.m.

AGENDA

1. Apologies for Absence:
2. Declarations of Personal Interests:
3. Public Questions: Any Members of the public wishing to make representations, ask questions or give evidence should advise the Clerks to the Council by not later than 5.00 p.m. on Tuesday, 19 July 2022.
4. Minutes: To receive and, if found correct, confirm the Minutes of the Meeting of the Council held on 15 June 2022 (Copy attached).
5. Policing in the Community:
 - (i) Update from PCSO Lana Kelleher – Lightwood:
 - (ii) Members' Issues/Concerns:

Wrexham Rural Neighbourhood Policing Sergeant, Nathan Harvey, will be in attendance to introduce himself to the Council.

6. Street Lighting Issues:

(i) **Faulty Street Lights:** Members to report any issues giving cause for concern.

(ii) **Street Lighting Provision:** To receive an update from the Clerk.

7. Statement of Income and Expenditure and Bank Reconciliation for the Quarter Ending 30 June 2022: (To follow)

8. Appointments to One Voice Wales Meetings: To consider the appointment of:

- 1 Member (and a substitute) to represent the Council at meetings of the Wrexham/Flint Area Committee;
- 1 Member (and a substitute) to represent the Council at meetings of the Larger Councils' Committee

9. Application for Financial Assistance – Ysgol Bro Alun PTA: To consider the attached application.

10. Road Safety: In accordance with Members' instructions, this is now a standing item of business for discussion at Council.

11. The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils: To note the attached guidance from the Welsh Government.

12. Planning Matters: To consider the following application for planning permission:

P/2022/0590 – First Floor Window in Side Elevation – 23 Caer Haf, Summerhill

Details of the above-mentioned application can be viewed at
www.wrexham.gov.uk/plans

13. Members' Issues/Concerns:

(i) **Support for Wrexham Foodbank:** Item placed on the agenda at the request of Councillor Sheelagh Jones.

(ii) **Other Issues'/Concerns:**

14. Clerk's Update:

- (i) Website
- (ii) One Voice Wales Local Places for Nature Officer, Rachel Carter
- (iii) The Finance & Governance Toolkit for Community and Town Councils

(iv) Provision of Event/Lamp Post Poppies

(v) Welsh Government Consultation – ‘Shaping Wales’ Future: Using National Milestones to measure the Nation’s progress

15. Accounts for Payment:

IT IS RECOMMENDED THAT UNDER THE PROVISIONS OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 THE PUBLIC AND REPRESENTATIVES OF THE PRESS BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLWING ITEM OF BUSINESS AS PUBLICITY WOULD BE PREJUDICIAL TO THE PUBLIC INTEREST BECAUSE OF THE CONFIDENTIAL NATURE OF THE BUSINESS TO BE TRANSACTED.

16. Staffing Issues: To receive an update.

Minutes of a Meeting of Gwersyllt Community Council
held at the Gwersyllt Community Resource Centre on Wednesday, 15 June 2022

Members

Councillor David Edwards, Chair
Councillor Gwenfair Jones, Vice-Chair

Councillor Aled Canter
Annette Davies
Martyn Davies
David Griffiths
Emma Holland
*Peter Howell
Arfon Jones
*Arthur Jones

Councillor Sheelagh Jones
Tina Mannering
Jayne Parlour
Phil Rees
Jackie Roberts
Barrie Warburton
Michael Wilde
Dennis Wynne

* Absent

24. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Peter Howell and Arthur Jones.

25. DECLARATIONS OF PERSONAL INTERESTS

Councillor Tina Mannering gave notice that she proposed to declare a personal interest in respect of Agenda Item 8 (i) (Application for Financial Assistance - The Wauns Carnival Committee).

26. PUBLIC QUESTIONS

The Clerk advised that no public questions had been received for discussion at this meeting.

27. MINUTES

RESOLVED – That the Minutes of the Annual Meeting of the Council held on 18 May 2022 be received and confirmed as a correct record.

Matters arising -

Page 1 – Minute 5 – Declaration of Acceptance of Office - The Clerk reported that Councillor Barrie Warburton had now signed his Declaration of Acceptance of Office.

Page 3 – Minute 10(i)(a) – Staff Appointments Sub-Committee – A Member asked whether the annual appraisals of the Clerks had been carried out and, in reply, the Chair said that he would arrange for this to be done before the next meeting of the Council.

Page 4 – Minute 10(i)(a) – Peace Garden Working Group – In answer to a Member's concerns about the state of the Peace Garden in Old Mold Road, the Clerk advised that he had written on several occasions to Wrexham County Borough Council about the Community Council's request to take over responsibility for the site and that a response was awaited.

The Clerk undertook to continue to pursue the matter.

Page 4 - Minute 10(ii) – Appointment of Town/Community Council Representative on Wrexham County Borough Council's Standards Committee- The Clerk reported that, by virtue of his role as a Member of Wrexham County Borough Council, Councillor Peter Howell was not eligible to represent Town/Community Councils on the County Borough Council's Standards Committee.

RESOLVED – That the Chair, Councillor David Edwards, be nominated by the Community Council to represent the town and community council sector on the Standards Committee.

Page 5 - Minute 13 – Insurance Arrangements for 2022/23 – The Clerk confirmed that the premium for 2022/23 was £1,185.89

28. VACANCY FOR A MEMBER IN THE GWERSYLLT SOUTH WARD – EXPRESSIONS OF INTEREST

Further to Minute 5 of the Council (18 May 2022), the Clerk reported that 3 local residents had expressed an interest in this vacancy: one had subsequently withdrawn, however, and another had failed to provide any additional, supporting information as requested. The written expression of interest submitted by Jayne Parlour, a Bradley resident and former councillor, was read out by the Clerk.

RESOLVED – That Jayne Parlour be co-opted to fill the vacancy in the Gwersyllt South Ward.

29. CCTV MAINTENANCE, MONITORING AND MANAGEMENT ARRANGEMENTS

Mr Simon Roberts, Head of Service (Assets), Wrexham County Borough Council, was present for this item and duly welcomed by the Chair and Members.

During discussion, the following matters were highlighted:

- Mannet 24 hours a day, the CCTV service in Gwersyllt comprised 6 cameras.
- Financial contributions towards the County Borough Council's CCTV services came from a variety of sources, but some contributions were being reduced.
- Redeployable cameras can be installed provided there is a justifiable reason for their use, but any such proposal should be discussed with the Police. They can be linked to the existing service providing that there is a 'line of sight' to other cameras.
- The CCTV system had been used to provide information leading to 25 arrests between April 2020 and April 2022 and a breakdown of the types of offences committed was given.
- The CCTV cameras work at low lighting levels and are not affected by the reduced

luminosity of LED street lights.

- Several Members expressed an interest in visiting Wrexham Council's CCTV Control Room and Simon undertook to make the necessary arrangements.
- Members asked for further information to be provided as to the financial contributions made by other community councils to the CCTV services covering school premises

In conclusion, Simon Roberts said that he believed that the CCTV service provided value for money and reiterated his offer for Members to visit the CCTV Control Room, with Councillors Annette Davies, Tina Mannering, Phil Rees, Jackie Roberts and Dennis Wynne indicating that they would wish to do this.

RESOLVED – That the Clerk be authorised to sign the Service Level Agreement in respect of the CCTV Service for 2022/23 on behalf of the Council.

Simon Roberts was thanked for his attendance.

30. POLICING IN THE COMMUNITY

PCSO Lana Kelleher-Lightwood was not in attendance for this item.

A Member asked the Clerk to contact Lana with a view to speed checks being carried out in Summerhill.

The Clerk reported that Lana had provided a quotation for the purchase of Selecta DNA spray, to be used to identify bikes used for illegal off-road purposes, and which had initially been considered at the meeting of the Council held in September 2021.

RESOLVED – To approve the purchase of Selecta DNA spray at the quoted price of £540.00 (plus VAT).

31. APPLICATIONS FOR FINANCIAL ASSISTANCE

(i) **Item Deferred at the Annual Meeting – Wauns Carnival Committee** – With reference to Minute 16 of the Council (18 May 2022), Councillor Tina Mannering's written responses to the various questions recently raised by the Chair on behalf of a number of local residents were submitted, with the Clerk confirming that he had also received a copy of the Carnival Committee's constitution.

Following discussion, it was –

RESOLVED –

(a) That the cost of hiring portaloos for use at this year's Wauns Carnival be met by the Council up to a maximum of £600.00 (plus VAT) and that the supplier's invoice be submitted direct to the Council for payment.

(b) That Councillor Mannering's written responses to the questions raised on behalf of local residents be published as an Appendix to these Minutes.

(In accordance with the Members' Code of Conduct, Councillor Tina Mannering declared a personal and prejudicial interest in this item of business by reason of her role as Chair of the Wauns Carnival Committee and left the meeting, taking no part in the discussion or voting thereon).

(ii) Item Deferred at the Annual Meeting – Holy Trinity Church – Application for the Annual Churchyard Maintenance Grant and Other Grants – With reference to Minute 20 (ii) (18 May 2022), Members further considered a letter from the Vicar of Gwersyllt, Reverend Paulette Gower, applying for the annual churchyard maintenance grant as well as grants for other projects.

RESOLVED –

(a) That the Annual Churchyard Maintenance Grant of £5,000.00 be released to Holy Trinity Church as soon as possible.

(b) That consideration of Reverend Gower's requests for other grants be deferred pending receipt of more information.

(iii) Wrexham Judo Club– An application for a grant of £927.00 was received from Wrexham Judo Club, based at Active Gym, Park Wall Road, Bradley, to fund the purchase of new judo suits and licences for their under privileged Members.

RESOLVED – That the Club's request for a grant of £927.00 be approved.

32. STREET LIGHTING

Members raised concerns about street lights obscured by trees and the Clerk undertook to look into the matter.

Reporting on a recent meeting of the Street Lighting Sub-Committee, the Clerk drew Members' attention to two letters from Jones Lighting Ltd., one dated 30 May 2022 setting out the updated schedule of maintenance rates effective from 1 May 2022 and one dated 15 June 2022 outlining various, proposed new works, including the periodic electrical test and maintenance inspection of the Council's lighting stock and the replacement of concrete lighting columns, the total cost of which was £33,161.94. He also reported the Sub-Committee's recommendations with respect to the provision of Christmas lighting.

RESOLVED –

(i) That the new schedule of maintenance rates for 2022/2023, as set out in Jones Lighting's letter dated 30 May 2022, be approved.

(ii) That the various works outlined in Jones Lighting's letter dated 15 June 2022 and costing £33,161.94 be approved.

(iii) That costings be obtained for the replacement of all remaining concrete street lighting columns with new steel columns.

(iv) That the previous Christmas lighting scheme in Mold Road, incorporating the

provision of 20 lighting features, be repeated this year, using the same supplier if possible, that the necessary structural tests be undertaken at the Council's expense and that the Clerk report back to Council in due course on all the costings.

33. ROAD SAFETY

Members were reminded that, in accordance with the decision taken at the Annual Meeting of the Council, this was now a standing item of business for discussion at Council meetings.

A Member reported that one of the vehicle activated speed warning signs in Blue Bell Lane was not working and, in reply, the Clerk said that he would take up the matter with Wrexham Council.

The Clerk drew Members' attention to the Community Speed Watch Scheme, adding that further information would be distributed to Members by e-mail.

In reply to a Members' question, the Clerk confirmed that a number of potential sites for vehicle activated signs had been looked at and that the matter would have to be discussed further with Members, adding that this was an issue in respect of which public consultation was important.

34. WELL-BEING ISSUES

Commenting, briefly, on this matter, the Clerk indicated that the Council's report explaining how it was contributing to the well-being goals as set in the Well-being of Future Generations (Wales) Act 2015 would have to be updated in the next few months. He also reminded Members that the Council was without a community agent at this time and so any enquiries in relation to this service should be directed to the Council's Clerks.

It was noted that, in accordance with previous instructions, an item on well-being issues would be included on the agenda for Council meetings on a quarterly basis.

35. FLYING OF FLAGS BY THE COUNCIL

Following on from requests by Members for various flags to be flown in support of specific matters (e.g. Supporting the People of Ukraine, NHS Day, Pride month etc.), the Clerk had contacted 3 suppliers and recommended that two should be selected as preferred suppliers of new flags for the Council.

Members requested that a copy of Wrexham Council's policy on the flying of flags should be obtained prior to the Clerk drawing up suggested guidelines for the Community Council's use.

RESOLVED – That the following be selected as preferred suppliers for the provision of flags and that the Clerk be authorised to obtain and fly flags in accordance with the Council's instructions:

- **Red Dragon Flagmakers**
- **Celtic Flag Services**

36. PLANNING MATTERS

The Clerk reported on recent applications for planning permission.

RESOLVED – That the Local Planning Authority be advised that the Council has no objection to the following applications:

- **P/2022/0511 – Construction of a New Access off a Classified Highway to Create Off-Road Parking – 1 Heol-y-Parc, Bradley**
- **P/2022/0532– Works to Trees Protected by Tree Preservation Order WCBC 250 -1 The Sycamores, Summerhill**

37. MEMBERS' ISSUES

- (i) **Provision of New Benches (with plaques) in Playgrounds to Commemorate the Queen's Platinum Jubilee** – Councillor David Griffiths proposed that simple wooden benches should be placed at most play areas to provide seating for adults accompanying children (a themed bench has already been sited at New Road play area in Summerhill). It was **agreed** that the matter be considered further as part of the work of the Play Areas Sub-Committee.
- (ii) **Presentation to Pupils in Local Schools to Recognise Achievements** – It was **agreed** that Councillor David Griffiths' proposal that the Council should present annual awards to local pupils to recognise significant achievements be developed further and linked to the Council's existing Community Champions Awards scheme. Further information would be submitted to Council in due course, for Members' consideration.
- (iii) **Possible Provision of a Council Stand /Stall at the Wauns Carnival**– Councillor Gwenfair Jones proposed that the stand should be staffed by volunteer councillors and a discussion about the practicalities followed. It was –

RESOLVED – That the proposal be rejected.

38. CLERK'S UPDATE

- (i) **Invitation to be Represented at the Mayor's Civic Visit to St Giles Parish Church – Sunday 10 July 2022 – 11.00 a.m.** - The invitation was noted.
- (ii) **Play Inspection Reports** – The Clerk reported receipt of the annual play inspection reports in respect of the various play areas covered by the Service Level Agreement between Wrexham Council and the Community Council. In particular, it was noted that the play areas were rated as 'low risk' sites in terms of health and safety.

RESOLVED –

- (a) **That copies of the annual play inspection reports be circulated to Members for their information.**

(b) That a meeting of the Play Areas Sub-Committee be convened in the near future to consider the possible provision of new play equipment, including fitness equipment.

- (iii) **Preparation of the Council's Annual Accounts for Audit** – It was reported that, owing to increasing work pressures and with the agreement of the Chair, the Clerk had contacted a local accountancy firm to assist with the preparation of the Council's annual accounts. This action was **endorsed** by Members.
- (iv) **VAT Return** – The quarterly return had been completed by Domino VAT Accountants and the net VAT refund from HMRC, for the period March to May 2022, was £4,745.87.
- (v) **Royal Court Sheltered Unit – Use of Grant Monies** - The Clerk reported that grant monies of £349.49 were available for allocation to Royal Court Sheltered Unit from the Gresford United Charities Trust. The Warden had requested that some of this money be used to purchase 10 bags of compost for use in the Unit's communal garden and that a reimbursement of £54.36 be made to Carol Wynne, a resident at the Unit, for the purchase of plants for the new raised beds. The Warden's requests were **approved**.
- (vi) **Youth Work**– Mr Jon Stumpp from the Caia Park Partnership had supplied recent attendance figures as follows:

Bradley Village Hall - 19 young people attended on 13 June
Gwersyllt Community Resource Centre - 30 young people attended on 15 June
when a respect session was being held.

39. ACCOUNTS FOR PAYMENT

RESOLVED –

(i) That payment of the following accounts be approved:

- Wrexham County Borough Council – Recharge for Council Agenda and Financial Documents for Councillors – May 2022 - £181.14 (£150.95 +VAT)
- Wrexham County Borough Council – Inspection & Maintenance of Play Areas as per SLA – First half-yearly payment (April to September 2022) - £9,179.40 (£7649.50 +VAT)
- Wrexham County Borough Council – Electricity Consumption, Bradley Bowling Club – October 2019 – January 2020 - £437.38 (£416.55 +VAT)
- Scottish Power – Street Lighting invoices for the period 30/04/22-31/05/22 - £2,477.68 (£2,064.73 +VAT)
- R.J. Miles (James Garden Services) – Maintenance of the Memorial Garden – April 2022 - £157.50 (no VAT)
- R.J. Miles (James Garden Services) – Maintenance of the Memorial Garden and Supply of Plants and Manure – May 2022 - £207.50 (no VAT)
- Rawson Digital – Photocopier Usage Charges – 28/03/22 to 25/04/22 - £30.79 (£25.66 + VAT)
- Domino VAT Accountants – Preparation and Submission of Quarterly VAT

- Return – March to May 2022 - £140.00 (no VAT)
- Bates Office Services Limited – Stationery Order June 2022 - £334.02 (£278.35 +VAT)

(ii) To endorse the action taken since the last meeting in approving payment of the following:

- AVOW – Salary Costs (June 2022) – £2,848.19

(iii) That, in accordance with the decision taken by Council on 19 January 2022 (Minute 137 (ii) refers), the following increased donations for 2022/23 be made:

- Llangollen International Musical Eisteddfod - £100.00
- National Eisteddfod of Wales - £100.00
- Urdd National Eisteddfod - £100.00
- Wrexham & Birkenhead Rail Users' Association – The recently approved annual subscription of £25.00 to be increased by £75.00.

40. RETIREMENT OF FORMER COUNCILLOR

Further to previous discussions regarding the retirement of Councillor Raymond Hughes, it was **agreed** that Councillor Sheelagh Jones would speak with Mrs Hughes about a possible get-together to celebrate Raymond's long service.

Fw: The Wauns Carnival Committee - Questions

Peter Mullen <gwerylltcommunitycouncil@outlook.com>

Wed 15/06/2022 11:46

To: Peter Mullen <gwerylltcommunitycouncil@outlook.com>

Mr. Chairman,

APPENDIX TO
MINUTE 31(i)

Here are my answers to the questions set out in your note dated 24 May.

1. What local groups or local charities have received donations from the carnival ?

In the Carnival's first year a donation of £500 was made to HACK (which is based in Bradley) and in the second year a grant of £500.00 was made to Jackson's Animal Sanctuary, also based in Bradley . . . No grants have been awarded since owing to the outbreak of coronavirus.

2. Is this a business or a charity ?

It is neither . . . It is a Community Group.

3. As a non constitutional ,non-profit group , why have the carnival committee not applied to be registered to the charities commission, after they have a turnover of over £5000 for each time they run this event ?

You are incorrect in saying that the Committee is a 'non-constitutional' body . . . The Committee is a properly constituted body with a formal constitution . . . We have taken professional advice on the matter of applying for charitable status and that advice was that this is not necessary.

4. Where the accounts are published.

No accounts were published during the pandemic as the Carnival did not take place then . . . Copies are made available with the notice of the AGM at Bradley Village Hall.

5. Where are the income and outgoings, published.

In the accounts.

6. Are the accounts open to the public and where will they find them.

Yes . . . They can be inspected by arrangement with Domino Accountants, who act for the Committee.

7. How the AGM was advertised and the notice period given of the AGM event.

Two weeks notice was given as per the constitution.

8. A vote was held on Facebook as to where the monies are divided, local residents may not be members of the groups that it was displayed on , to be involved in the say of how this should be divided.

The Committee has always used Facebook: this is nothing new . . . However, I also consult local residents by way of newsletters . . . Furthermore, I have always made myself accessible to local residents and am more than happy for residents and local councillors to contact me direct with suggestions.

9. With the issue of the monster trucks, how much damage will be caused, who will be responsible for the reinstatement of the playing fields, to a safe standard

The short answer is none as coverings/screens will be put in place to protect the surface . . . This sort of thing is done at the Royal Welsh Show every year and is a proven method of protecting the surface of the site.

10. As the council, we had to claim off our insurance, for the replacement of the street light knock over by a piece of fair equipment, why was this not claimed of the event insurance.

Please note that the Committee did not request the Community Council to make a claim . . . The Clerk to the Council decided to take this action.

Mr. Chairman, I too have a question . . . It seems to me that the Council does not deal with requests for grants/donations consistently . . . The Council has recently approved a number of four figure donations without requiring any background information . . . Indeed, in these particular cases, no bank statements or other financial information was requested . . . I think all grant applications, however large or small, should be dealt with on the same basis in the interests of fairness and transparency.

Tina Mannering,

GWERSYLLT COMMUNITY COUNCIL

1. What is your organisation's name and address?

Organisation name

Ysgol Bro Alun PTA

Organisation address

Delamere Avenue, Gwersyllt, Wrexham LL11 4NG

2. What type of organisation are you?

Voluntary or community organisation

☒

Sports club/group

☐

Senior citizen's club/group

☐

School

☒

Health body

☐

Other (please specify)

☐

Ysgol Bro Alun PTA

3. Are you a registered charity?

No ☐

Yes

☒

If yes what is your registration number

1154852

When did your organisation start? Month Year

Are you a branch of a larger organisation? No ☒ Yes ☐

If yes, what is the name of your larger organisation?

Are there any restrictions on who can join your organisation? No ☒ Yes ☐

☐

If yes, what are they and why do you have them
(maximum 50 words)

4. Does your organisation have a website? No ☒ Yes ☐

If yes, what is your website address?

5. What does your organisation do?
(maximum 50 words)

6. How much are you applying for?

7. If your application is successful, what do you intend to do with the
Council's grant?
(maximum 100 words – bullet points acceptable)

8. Have you applied for a grant from other sources?

No ☒ Yes ☐

If yes, provide details
(maximum 50 words)

9. Financial information

Please enclose relevant financial information as listed below.

Latest bank statement or audited accounts

☒

Your organisation must have a recognised bank account into which all transactions can be tracked.

Natwest

Bank Name

Bank Address

33, Lord Street,
Wrexham
LL11 1LP

Ysgol Bro Alun PTA Community Account

Account Name

91060958

Account Number

10. Certifying (and Countersigning) the Application

I certify that all the information contained in this application is correct.

Name LM Jones

Signature LM Jones

Position in organisation Chairperson

Contact details stirringstar@hotmail.com
07507 606935

Date 09/05/2022

Every application for financial assistance must be endorsed by a countersignatory. The countersignatory must be someone who is resident in the County Borough. He/she should be of 'good standing' in the community and preferably hold a substantive position (e.g. Member of Parliament, Minister of Religion, Doctor, Dentist, Lawyer, Justice of the Peace, Lecturer, Teacher, Accountant, Established Civil Servant, Senior Manager).
Application Countersigned by:

Name Dr Jennifer Whittaker

Signature Dr J Whittake

Position Doctor

Date

09/05/2022

□□□□□□□□□□



Current Account

00338284
04600 01

Branch details
Wrexham Branch
33 Lord Street
Wrexham
LL11 1LP

I32700/00338284/F 558142/04600



THE TREASURER
BRO ALUN PT
DELANERE AVENUE
GMERSYLLT
LL11 4NG

For Bank use

Account Number 91060958
Branch sort code 55-81-42
National Westminster Bank Plc

Summary 6 Jan 2022 to 4 Feb 2022
Sheet 74

Previous balance 1,871.34

Withdrawn 600.00

Paid in 245.00

New balance 1,516.34

Your deposit is eligible for protection under the Financial Services Compensation Scheme (FSCS). An FSCS Information Sheet and list of exclusions will be provided to you on an annual basis. For further information about the compensation provided by the FSCS, refer to the FSCS website at www.FSCS.org.uk

If you have changed your address or telephone number,
please let us know

YSGOL BRO ALUN PTA
COMMUNITY ACCOUNT

BIC NWBK GB 2L
IBAN GB41 NWBK 5581 4291 0609 58

00276233 2
03773 0001/0001



Current Account

Date	Details	Withdrawn	Paid in	Balance
5 Feb 2022	BROUGHT FORWARD			1,516.34
22 Feb	Cheque	000216		1,463.55
				52.79

Account Number 91060958
Branch sort code 55-81 -42
National Westminster Bank Plc

YSGOL BRO ALUN PTA
COMMUNITY ACCOUNT

00174068
N
02831 0001/0001



Current Account

Date	Details	Withdrawn	Paid in	Balance
5 Mar 2022	BROUGHT FORWARD			1,463.55
21 Mar	Cheque 000217	38.65		1,424.90
25 Mar	Cheque No.000219 558142 25MAR 1453	280.00		1,144.90
28 Mar	Cheque 000218	56.80		
	Cheque 000220	207.60		880.50
30 Mar	Cash & Dep Machine 000093 30MAR558142		242.40	1,122.90
4 Apr	Credit No.000095 558142 04APR 1105		686.80	
	Cheque 000221	45.00		1,764.70

76 Account Number 91060958
Branch sort code 55-81 -42
National Westminster Bank Plc

YSGOL BRO ALUN PTA
COMMUNITY ACCOUNT



The Local Government and Elections (Wales) Act 2021: Statutory Guidance for Community and Town Councils

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

Audience

This guidance document is aimed at members and officers of community and town councils in Wales.

Overview

The Local Government and Elections (Wales) Act 2021 ("the 2021 Act") provides for the establishment of a new and reformed legislative framework for local government elections, democracy, governance and performance. The legislation affects the community and town council sector and the key changes are explained in this guidance.

This guidance is intended to support community and town councils to implement the relevant provisions from the 2021 Act.

Action required

Community councils must have regard to this guidance when acting in their functions as local authorities.

Legislation

A council must have regard to guidance issued by the Welsh Ministers in relation to the exercise of its functions in the 2021 Act under:

- Part 2, Chapter 2, section 36 (guidance on the exercise of functions in relation to eligible community councils);
- Part 3, Chapter 4 section 48 (3) (guidance may cover what constitutes a reasonable opportunity to make representations, and what constitutes effective conduct of a meeting), and Chapter 5 section 52(2) (power to issue guidance on annual reports);
- Part 4, section 67 (7) (the power to issue guidance on community council training plans).

This means that councils must take account of the guidance, and if they decide to depart from it, have clear and justifiable reasons for doing so.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Enquiries about this document should be directed to:

Local Government Performance & Partnerships Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: LGPartnerships@gov.wales

This document is also available in Welsh: [\[LINK\]](#)

FOREWORD

The Local Government and Elections (Wales) Act 2021 delivers a package of reforms to strengthen and extend the powers available in local government.

The legislation builds on the strengths of local government to empower councils to have greater impact for their communities. Welsh Government's policy is to provide an enabling and encouraging environment for community and town councils to expand their activities where they could – and should – play a greater role based on local need.

The enabling approach needs to be accompanied by sound governance and effective management of public money. It is important that councils are professionally-supported, professionally-run organisations with access to support and guidance.

The new measures directly affecting the community council sector includes the availability of the General Power of Competence to those councils that meet the eligibility conditions set out in the legislation.

In addition to the new power, new duties are also placed on community and town councils. The duty to make and publish a training plan for all members and staff will support efforts to strengthen the capability of the sector. The new duty to produce and publish an annual report will provide greater transparency and understanding about the council's work to their local communities. I expect to see greater community participation in council meetings as members of the public are given reasonable opportunities to contribute their views.

Other provisions to modernise the governance rules for councils enable meeting papers to be issued electronically and to allow council meetings to be held from multiple locations.

This package of measures, and supporting guidance, is intended to ensure councils have the strength and scope to work in the best interests of the communities they serve. The aim is to support them to deliver good quality, integrated public services in communities across Wales.

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MINISTER FOR FINANCE AND LOCAL GOVERNMENT

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Introduction

The Local Government and Elections (Wales) Act 2021 ("the 2021 Act") was passed on 20 January 2021. It provides for the establishment of a reformed legislative framework for local government elections, democracy, governance and performance.

The legislation affects the community and town council sector and the key changes are explained in this guidance. The 2021 Act gives qualifying local authorities, including eligible community councils, a general power of competence. This guidance supports community and town councils to consider the requirements they need to meet should they wish to become eligible community councils.

This guidance also provides information to help all councils discharge their new duties in relation to the following requirements:

- Access meetings from multiple locations;
- Provide opportunity for public participation at public council meetings;
- Prepare and publish an annual report;
- Prepare and publish a training plan to support training for councillors and council staff; and
- Other provisions which impact on community and town councils.

Purpose of the provisions

There is support across the sector and from the public for increasing the visibility of the work of community councils. We want communities to take an interest in what their councils do and to have easy access to information on the council's work. The requirements in relation to annual reports, training plans, multi-location meetings and public participation are designed to support this intent.

There is also support to empower community councils to enable them to be more innovative and ambitious when delivering for their community. The provisions allow that where a council meets certain criteria, specified by legislation, they can resolve themselves as 'eligible community councils', able to exercise a general power of competence.

Important Dates

Provisions in the 2021 Act came into force on different dates. The coming into force dates are listed below:

- Duty on councils to publish annual reports – 1 April 2022
- Eligibility to be able to exercise the general power of competence for the community and town council sector – 5 May 2022
- Duty to make opportunity for public to participate in council meetings – 5 May 2022
- Duty to consider training for councillors and council staff – 5 May 2022, with first training plan to be published by 5 November 2022.

1. Chapter 1 - General power of competence and eligible community councils

Applying the General Power of Competence

- 1.1. The general power of competence (GPoC) permits qualifying authorities to do “anything that an individual generally can do”. It is a power of first resort which means that a qualifying authority does not need to rely on specific powers in legislation to do something, so long as what is intended is not otherwise prohibited. The use of the GPoC is subject to restrictions and legal requirements which are described in this guidance. Where there are restrictions on the use of an existing specific power, those restrictions will also apply to the use of the GPoC.
- 1.2. An ‘eligible community council’ is a qualifying authority is defined in section 24(1) of the 2021 Act.
- 1.3. The GPoC enables eligible community councils to act in their communities’ best interests, generate efficiencies and secure value for money outcomes. Eligible community councils will also be able to raise money by charging for discretionary services and to trade for commercial purposes and in their ordinary functions.
- 1.4. The general power of competence gives eligible community councils the same powers to act that an individual generally has, thus enabling them to do similar sorts of things. For example, an individual *could not* impose taxes on other people – so a community council *could not* use the GPoC to raise taxes. However, an individual *could* run a community shop or a post office, so a community council *could* also set up a shop.
- 1.5. The GPoC allows an eligible community council to engage in commercial activity if it sets up a company or co-operative society for this purpose. This is explained more fully in the section on exercising the GPoC for a commercial purpose.
- 1.6. The kinds of activities that the GPoC could be used for include:
 - Lending or investing money e.g. to support village or town activities, or to support and generate local businesses;
 - Providing discretionary support and activities e.g. taking over youth facilities or offering organised support (such as reading/numeracy assistants to schools);
 - Generating and selling green energy;
 - Building and providing a range of community facilities.
- 1.7. However, if another authority (i.e. the principal authority) is under a statutory duty to provide that service (e.g. library services, education, waste collection), then while it shall remain the principal council’s duty, eligible community councils can still help.

Eligibility conditions

1.8. The 2021 Act sets out the conditions which community councils must meet to become an '*eligible community council*' with access to the GPoC. Only councils which meet the eligibility conditions can use this general power. The three conditions are specified in the 2021 Act, [section 30 \(2\)-\(4\)](#) and are set out below:

- At least two-thirds of the total number of members of the council have been declared to be elected (including unopposed), whether at an ordinary election or at a by-election (section 30(2)).
- The clerk to the council holds such named qualification or certification as may be specified by the Welsh Ministers by regulations (section 30(3)).
- The two most recent Auditor General for Wales (AGW) opinions on the council's accounts are unqualified. The most recent must have been received in the previous 12 months (section 30(4)).

1.9. The three conditions, collectively, serve as indicators that a community council represents the views of its electorate, that the council has a recent history of sound governance and that its clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power. This provides a level of confidence in a council's ability to execute the GPoC appropriately.

1.10. Where a community or town council wishes to exercise the GPoC it must resolve itself eligible through a formal resolution. A community council must meet the eligibility conditions set out above and pass a resolution at any full meeting confirming that it meets those conditions. It then resolves itself as an eligible community council able to exercise this general power. In accordance with paragraph 26ZA of Schedule 12 to the Local Government Act 1972 ('the 1972 Act') – as inserted by Schedule 4, Part 1 of the 2021 Act – the outcome of the decision to become an eligible community council *must be published on the council's website within seven working days of the resolution being passed*.

1.11. These conditions will be kept under review and there is scope, under section 35 of the 2021 Act, for the Welsh Ministers to amend the conditions. Any proposed changes to these conditions would be made by the Welsh Ministers making regulations and subject to consultation prior to being made.

The Three Conditions

Condition 1: Proportion of elected members

1.12. This condition reflects the principle that a council which exercises the GPoC should reflect the democratic views of the community. Local services are best provided within a democratic framework of local accountability. People who use local services should have as much say as possible in the way they are managed and delivered.

1.13. The condition is for at least two-thirds of members to be elected. This includes those elected at by-elections and those elected unopposed. This means that the minimum number of elected councillors must be a whole number equal to,

or higher than, two-thirds of councillors. For example, a council with nine councillors must have at least six elected councillors.

- 1.14. Where this is not a whole number, then it must be rounded up. The table below confirms the number of elected councillors required to meet this condition.

Council seats	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Two-thirds	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14

Condition 2: Relevant clerk qualification

- 1.15. This condition reflects the importance that any council which exercises the GPoC needs to be sufficiently supported when doing so.
- 1.16. The Certificate in Local Council Administration (CiLCA) is widely recognised by the sector as providing a broad knowledge of all aspects of the community council clerk's work, role and responsibilities, including the law, council procedures, finance, planning and community involvement.
- 1.17. In accordance with the Eligible Community Councils (General Power of Competence) (Qualifications of Clerks) (Wales) Regulations 2021 ('the 2021 Regulations') which came into force on 5th May 2022, the clerk to the community council must have obtained at least one of the following, at the time, or before the council passes a resolution that it meets the criteria and is an eligible community council:
- The Certificate in Local Council Administration (CiLCA)
 - The Certificate of Higher Education in Community Governance
 - The Certificate of Higher Education in Community Engagement and Governance
 - The Certificate of Higher Education in Local Policy.
- 1.18. At the time of the council passing a resolution to be an eligible community council, it would be insufficient to declare that the clerk is currently undertaking one of the above; or intending to undertake one at a future date. It will also be insufficient to say that a deputy clerk holds CiLCA. It must be the recognised proper officer of the council that holds the CiLCA qualification.
- 1.19. Clerks who gained any of the above sector specific qualifications before May 2022 are advised to undertake additional training to confirm that they understand how the GPoC operates. The Society of Local Council Clerks provide a standalone training module GPoC. Clerks who hold a CiLCA certificate without this module would benefit from completing this prior to the council passing a resolution that it is an eligible community council.
- 1.20. The clerk qualification is only required for those councils who wish to resolve themselves as eligible to exercise the GPoC. There is no general requirement for community or town council clerks to be qualified, although clerks are encouraged to attain CiLCA for the benefit of supporting the council.

Condition 3: Audit opinions

- 1.21. Principles of transparency, professionalism and public accountability should be followed in all financial procedures of community councils. Adherence to an appropriate audit regime and the production of an annual financial statement should be cornerstones of a council's financial management practices.
- 1.22. To meet this condition, the council must have received two unqualified auditor's opinions for two consecutive financial years from the Auditor General for Wales (AGW) – the latest of which must have been received during the 12 months ending on which the community council's resolution is passed.
- 1.23. Community councils which have recent qualified audits will not be eligible to exercise the GPoC.
- 1.24. By way of illustration, at the community council annual meeting in May 2022, the council would normally have confirmation of the outcome of the AGW's audit opinion for the financial years 2019-20 and 2020-21. This is subject to the council providing the external auditor with all the co-operation, relevant information and evidence, in a timely manner, for the AGW to provide an audit opinion.
- 1.25. Therefore, provided that the audit opinion is unqualified for both financial years 2019-20 and 2020-21, this condition would be satisfied. If either of the opinions is qualified, then the condition cannot be satisfied, and the council *cannot pass a resolution* that it is an eligible community council.
- 1.26. In future years, annual consideration of the third condition means that the relevant audit opinion taken into account will continue to change. For instance, in 2023, consideration of this condition would rely on the audit opinions from 2020-21 and 2021-22.

Future changes to the audit regime

- 1.27. Audit Wales has given notice that the audit regime is due to change in 2022. This does not affect the way in which the third condition is assessed as audit opinions will continue to be issued each year by the AGW. This is subject to the absence of major governance and record-keeping problems in councils, and councils providing the AGW with all necessary co-operation, relevant information and evidence, in a timely manner, for AGW to provide the audit opinion.

Exercising the general power of competence for a commercial purpose

- 1.28. An eligible community council may use the GPoC to carry out an activity for a commercial purpose. However, the council may only do so if it would also rely on this general power to carry out that activity for a non-commercial purpose i.e. it could not charge for an activity that it is required, by legislation, to carry out. For example, a council which currently maintains its own lawns and grounds may want to use the GPoC to be able to offer their services to local sports grounds for a fee.

- 1.29. An eligible community council is required to undertake any trading operations through a company (as defined in section 1(1) of the Companies Act 2006 or a registered society as defined under the Co-operative and Community Benefits Societies Act 2014). Those companies must meet the requirements for establishing and running a company.
- 1.30. Eligible community councils must take adequate steps to consider the implications of their proposed exercise of the power for a commercial purpose. The specific conditions are set out in the [General Power of Competence \(Commercial Purpose\) \(Conditions\) \(Wales\) Regulations 2021](#) as amended by the [General Power of Competence \(Commercial Purpose\) \(Conditions\) \(Wales\) \(Amendment\) Regulations 2022](#) ("the 2022 Regulations") and provide that:
- Before exercising the power, an eligible community council must prepare and approve a business case in support of the proposed exercise of the power. The above regulations set out the requirements for the business case.
 - Where the eligible community council has supplied anything to the company through which the GPoC is being exercised for a commercial purpose, the council must recover its costs from that company.
 - The business case must be published as soon as practicable after the decision is taken to approve it.
- 1.31. For instance, a council may wish to open a local shop or café. While an eligible community council might reasonably support the start-up of a company for this purpose, it should recover the costs of doing so. These costs could include accommodation, goods, services, staff or anything else to help set-up the shop or café. Ongoing subsidy or funding could both distort the market unfairly and could also lead to public funds being placed at undue commercial risk.

Power to trade in ordinary functions

- 1.32. The [Local Government \(Relevant Authorities\) \(Power to Trade\) \(Wales\) Order 2022](#) ("2022 Order") came into force on 5 May 2022 to extend to eligible community councils. This provides eligible community councils with a power to trade in all services, so long as they are not required by law to provide them. An authority's power to trade in their ordinary functions is provided for in section 95 of the Local Government Act 2003.
- 1.33. As with exercising the general power for a commercial purpose, where an eligible community council intends to use the power to trade in its ordinary functions, it must prepare, approve and publish a business case.
- 1.34. The ordinary functions of a community council are the functions set out in Acts of Parliament, and Measures or Acts of the Senedd, e.g. powers to provide allotments, to provide and maintain bus shelters, and the power to promote local energy saving schemes. They do not include delegated functions that some community councils operate under agreement from their principal council e.g. library services.

The business case

- 1.35. A business case must be prepared prior to a community council using the *general power for commercial purposes* or the *power to trade in their ordinary functions*. The purpose of the business case is to be transparent that a reasonable assessment of the proposal has been made and agreed by the council.
- 1.36. Business cases should be proportionate to the complexity of each case and the scale of investment being considered. There should be a clear audit trail showing that the community council has acted within its powers. All business cases must be published as soon as practicable following the council decision to approve it.
- 1.37. Appropriate guidance on preparing a business case will depend on the nature of the proposal, and 'no one size' will fit all circumstances. However, under the 2022 Order, a business case must include the following elements:
- The aims and objectives of the proposed exercise of the GPoC;
 - The costs, investments and other resources required to achieve those aims and objectives;
 - The financial outcomes that are expected to be achieved;
 - Any other relevant outcomes that are expected to be achieved;
 - Any risks associated including an assessment of the severity of those risks, and any mitigating actions;
 - The impact (including on the terms and conditions of employment) on any staff that it intends to supply to a company to do things for a commercial purpose.
- 1.38. The regulations do not specify an individual accountable for approving the business case – only that it is for the council to provide that approval. The matter is to be decided locally. However, it is recommended that it is made clear to members as well as the public how the approval process works, for example, through the council's standing orders or schemes of delegation.

Boundaries of the general power of competence

- 1.39. The GPoC does not allow community councils to bypass prohibitions, limitations or restrictions contained in existing legislation. The need for due diligence and robust, transparent decision-making remains. Moreover, councils will want to ensure they have sufficient community support and funding before using the power.
- 1.40. When exercising the GPoC, eligible community councils must act in accordance with the principle established in the case of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223* (known as the *Wednesbury case*). The judgement in that case made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.
- 1.41. Where a council is already subject to a statutory duty, then that duty remains in place. The GPoC For instance, section 6 of the Environment (Wales) Act 2016 imposes a duty on public authorities, including community councils, "...to

maintain and enhance biodiversity in the exercise of their functions, promote the resilience of ecosystems (known as the Biodiversity and Resilience of Ecosystems duty). . A comprehensive list of statutory duties which apply to community and town councils can be found in the [Good councillor's guide: for Community and Town Councillors](#).

- 1.42. The council must continue to comply with existing legislation such as employment law, health and safety legislation, equality legislation and the duties relating to data protection and freedom of information.
- 1.43. Eligible community councils cannot use this GPoC primarily to raise money, but they can receive income as a result of using the power for a different primary purpose. For example, the council could lend money to support a local activity and earn interest on the loan and it could also raise sponsorship for a community project.
- 1.44. Through the 2021 Act and associated subordinate legislation, there are other appropriate constraints on the use of the GPoC, including the following:
 - The requirement for a company structure when using the general power for a commercial purpose, and a business case which considers the costs, benefits and risk of each proposal;
 - Limitations on fees and charges for discretionary services; and
 - Checks for pre- and post-commencement limitations (whereby a specific power may be identified). For example, the GPoC power cannot be used to re-write or ignore any parts of express statutory powers and duties.

Annual review of eligibility

- 1.45. Under section 31(1) of the 2021 Act, once a community council has resolved itself to be an eligible community council, it will need to reaffirm on an annual basis that it continues to meet the eligibility criteria. A council can do this by passing a resolution to this effect at its annual meeting.
- 1.46. In the case of a council which has appropriately resolved itself to be eligible at the first available annual meeting following commencement of the 2022 Regulations on 5 May 2022, it will retain that status until its next annual meeting. This would provide the council, and those they deal with, certainty as to the extent of their powers.
- 1.47. Part 1, Schedule 4 to the 2021 Act amends paragraph 26ZA of the 1972 Act to require councils to publish the outcome of decisions within seven working days of the council meeting. Therefore, the outcome of the decision to continue either as an eligible community council, or not, must be published on the community council's website to the same timetable. This provides clarity for the council, and those it deals with, on its ability to exercise the general power.

Ceasing to be eligible

- 1.48. A community council may decide that, despite meeting the conditions, it no longer wishes to be an eligible community council. An eligible community council may pass a resolution at any meeting of the council that it is no longer eligible. The council would then cease to be an eligible community council at

the end of the day following the meeting at which the resolution was passed. In which case it must publish its decision that it is no longer an eligible community council within seven working days of taking the decision (Section 32 of the 2021 Act).

- 1.49. Under section 31(2) of the 2021 Act, if the council does not pass a resolution at the appropriate annual meeting that remains an eligible community council then it ceases to be one at the end of the day following the annual meeting in question. It will not be able to exercise the GPoC until it resolves itself eligible, which may be at the next council meeting.

What happens to agreements entered into by an eligible community council and then the council ceases to be eligible?

- 1.50. Section 33 of the 2021 Act provides that, if an eligible community council which ceases to be an eligible community council (and so loses the general power competence) can continue to rely on the GPoC in relation to things it has done in the exercise of that power while it was an eligible community council, e.g. to deliver services or undertake activities, even though it had ceased to be eligible.

- 1.51. However, the council could not enter into a new contract or change an existing arrangement so that it became qualitatively different from how it was while the council was still eligible.

Common Community Councils

- 1.52. Under sections 27E and 27F of the 1972 Act, communities have the power to apply for an order grouping its community with other communities under a common community council.

- 1.53. In circumstances where such a common community council is formed after 20 January 2021 following an Order made under section 27F of the 1972 Act, it is in effect a new council.

- 1.54. In this case, a newly formed common community council could potentially meet two of the three eligibility conditions relating to:

- The proportion of elected members - since the order made by the principal council would make provision for an election under the 1972 Act, section 27F(5)(a); and
- Employment of a clerk who holds one of the relevant qualifications specified in the 2021 Regulations.

- 1.55. However, they would be unable to satisfy the third eligibility condition regarding the two most recent opinions of the Auditor General for Wales for at least two years.

- 1.56. To address the anomaly, this condition does not apply to the common community council where at least half of the communities grouped together to form the new common community council had separate community councils immediately beforehand which met this third condition.

- 1.57. However, if the first opinion of the Auditor General for Wales of the common community council is a qualified audit opinion, then the common community council ceases to be an eligible community council with immediate effect.

Section 137 of the Local Government Act 1972 and Community and Town Councils

- 1.58. Section 137(1) of the 1972 Act has been retained for community councils that do not wish to resolve themselves as eligible community councils, or are not yet able to satisfy the eligibility conditions.
- 1.59. A community council which does not resolve itself as an eligible community council will still be able to use the current power under section 137(1) of the 1972 Act. This power permits community councils to spend a limited amount of money on activities for which it has no other specific powers. They may only do this if the council considers that it will be for the direct benefit of its area, or part of its area, or all or some of its inhabitants. Community councils are also permitted under section 137(3) to incur expenditure for certain charitable and other purposes.
- 1.60. The maximum expenditure is calculated annually. 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.
- 1.61. Once a council resolves itself an eligible community council, section 137 of the 1972 Act no longer applies to the council as the GPoC – under section 24 of the 2021 Act – is less limiting. If a council ceases to be eligible to exercise the GPoC, section 137 of the 1972 Act will once again apply to that council.
- 1.62. It should be noted that neither the GPoC nor section 137 of the 1972 Act can be used to circumvent a statutory prohibition on a community council carrying out a particular function.
- 1.63. Section 137 of the 1972 Act is more constrained than the GPoC because it covers activities incidental to community councils' functions. More fully, this means that section 137 of the 1972 Act limits a community council's expenditure to areas which, in their opinion, is in the interests of and will bring direct benefit to, their area or any part of it or all or some of its inhabitants.
- 1.64. As noted in the previous section, in order for section 137 of the 1972 Act used as the basis to undertake an action, the direct benefit accruing to the community council's area (or any part of it or to all or some of the inhabitants of its area) has to be commensurate with the expenditure incurred. Expenditure is subject to existing financial restrictions. There is no spending limit when relying on the GPoC.
- 1.65. While the GPoC requires qualifying criteria to be met by the community council before it can resolve itself eligible to exercise that power, section 137 of the 1972 Act does not require specific criteria to be met before a community council is eligible to exercise the power.

The Local Government Act 2000 - Well-being Power

- 1.66. The Local Government Act 2000 (“the 2000 Act”) introduced the “well-being power” which enabled local authorities to do anything that they consider is likely to promote or improve the economic, social or environmental well-being of their area and/or the persons in it, provided that they are not restricted from doing so by other legislation. This power for community councils came into force in Wales on 11 May 2011.
- 1.67. Having three general powers in law is confusing and unnecessary, and has been reported as such by the sector.
- 1.68. Therefore, the ‘well-being power’ provided in section 2 of the 2000 Act was repealed for **all** community councils when the provisions relating to the GPoC were brought into force for eligible community and town councils on 5 May 2022.
- 1.69. Community councils can continue anything which they started, and is ongoing, under the well-being power at the time this power was repealed. However, reliance on this power should stop when that activity is completed or a council resolves to become an eligible community council. Nothing new may be started by the community council using the well-being power from 5 May 2022.

Impact of exercising the General Power of Competence

- 1.70. Over time it is intended to take stock of the number of community councils resolving themselves eligible to exercise the GPoC, and the purposes for which they use it. The National Training Advisory Group, which meets quarterly, will assess the impact of the provisions at key points. They will draw on evidence from surveys, annual reports of community councils, and monitoring the uptake of the CiLCA training.

Case studies

- 1.71. As of the publication of this statutory guidance, there are no examples from community councils in Wales to illustrate how the GPoC may be used. However, [case studies of parish councils](#) exercising the GPoC may be found from the [Local Government Association](#) website.

2. Chapter 2 – Multi-location meetings

- 2.1. The [Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) made temporary changes to meeting arrangements for community councils, allowing meetings to be held virtually (i.e. multi-location meetings) and requiring meeting documents to be published electronically. These changes allowed meetings to continue during the coronavirus pandemic. The changes proved popular and beneficial, so the Welsh Government made them permanent through the 2021 Act.
- 2.2. Many councils have found that attendance – including from the general public – and productivity of meetings have improved with multi-location meetings. There are also benefits in reducing travel and enabling councillors, members of the public and the press to engage more readily and more conveniently in council meetings.
- 2.3. Physical meetings should not be seen as representing the gold standard with multi-location meetings being second best. Physical meetings may be convenient and effective for some who are most used to them – but they may be inaccessible or inconvenient to many.

What are the requirements?

- 2.4. This section sets out the things that authorities must do in respect of multi-location meetings.
- 2.5. The 2021 Act requires that all community councils must make and publish arrangements for its meetings to enable people who are not in the same place to meet. Under the arrangements, councils will need to take reasonable steps to allow meetings to be held from multiple locations. If the arrangements are revised or replaced the new arrangements must also be published.
- 2.6. The practicalities of arrangements were considered carefully and it is important for councils to be clear the ***minimum requirement is that members are able to hear and be heard by others.***
- 2.7. Examples of this could include:
- All participants are in the same physical location;
 - All participants are in the same physical location except one individual who joins from another location e.g. by video or telephone conference;
 - Roughly equal number of councillors are present in a physical space and joining through remote means;
 - Wholly through remote means where no physical arrangements have been made.
- 2.8. Whilst physical meetings in the same location are allowable under the 2021 Act, councils must note that the 2021 Act requires that participants (i.e. council members, members of the public and press) are able to join meetings remotely – even if physical meetings are the preferred mode. Councils must publish these arrangements, for example, through standing orders. Councils are not

allowed to resolve that all meetings will be held entirely physically. Councils should take reasonable steps to allow people to join from another location.

What should the arrangements consider?

2.9. The arrangements must be relevant to your council. They should be consistent with the Nolan principles of public life, the Code of Conduct for members of community councils and must take account of prevailing public health advice and/or legislation.

2.10. It is suggested that arrangements should cover:

- How a council will determine which meetings will have a physical element (i.e. a council meeting room) and how remote access will work in those cases;
- The venue for physical meetings and (if relevant) the appropriate online meeting platform and/or telephone access. This may require councils to consider the most appropriate venue for future meetings and value for money for any upgrades to infrastructure.
- Meeting attendance, including determining where a member is present and voting procedures;
- Ways of working during the meeting e.g. whether and how to use the chat function where appropriate, managing unruly conduct and voting;
- Arrangements to support other participants (including the public and the press) to be able to access and participate in the meeting. This might include virtual waiting room arrangements to ensure appropriate and timely access; and
- Ensuring the meeting is inclusive and accessible and consistent with any Welsh Language Scheme adopted by the council.

2.11. There is no requirement for meetings to be held in the same way every time it meets.

2.12. The chairing and running of the meetings will be slightly different depending on whether it is fully physical, fully virtual or a hybrid meeting. Arrangements need to adapt as councils learn from experience (i.e. from other councils and their own community) of what works effectively in securing clear, transparent, accessible meetings.

2.13. When deciding which meetings may be held wholly remotely and/or with physical provisions, councils should consider:

- The circumstances of individual councillors and their preference in the way they participate in meetings. Some councillors may wish to join council meetings from another location by default – because they have working or caring responsibilities which make attending meetings in person difficult. Similarly, some councillors may wish to attend in person;
- How members of the public are able to access meetings. There may be very good reasons why individuals are not able to attend in person, but would nonetheless wish to listen to proceedings about decisions which impact their

lives. They may also wish to be heard in expressing views on business items;

- The accessibility of the press to hear about, and report on, local stories to enable wider public debate and accountability;
- The range of venues available within reasonable travelling distance. For instance, local schools or other public sector buildings may have infrastructure which makes remote access easier;
- How telephony and other technology can be used to support and facilitate multi-location meetings which is proportionate to the circumstances; and
- Whether arrangements can be adapted to accommodate late requests (e.g. just prior to, or during, the meeting) to join virtually where a meeting had been expected to be physical only, ensuring that the minimum standards are met - where reasonable

Welsh language

2.14. Although community councils are not subject to the Welsh language standards deriving from the Welsh Language (Wales) Measure 2011, they are expected to uphold the main principle of the Measure and treat the Welsh language no less favourably than English. The community council will want to consider how it could encourage and enable the use of the Welsh language at community council meetings, with the help of simultaneous translation for anyone who does not understand Welsh.

2.15. The Welsh Language Commissioner has provided advice on how to support bilingual working including:

- [Bilingual drafting](#),
- [Text translation](#);
- [Using Welsh face-to-face](#); and
- [Holding bilingual video meetings](#).

3. Chapter 3 - Participation at Meetings

- 3.1. In practice, many councils have already introduced formal or informal ways for public participation in their meetings. Prior to the passing of the 2021 Act, members of the public had a statutory right to attend council meetings of community councils, but could only speak at the discretion of the person presiding at the meeting.
- 3.2. Section 48 of the 2021 Act makes provision for public participation at full community council meetings or those part of meetings which are open to the public. The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at the meeting, unless doing so is likely to prejudice the effective conduct of the meeting. This does not mean that members of the public can take part in debate, but they must be given *a reasonable opportunity to make representations about business to be discussed*.
- 3.3. One option for managing this is to invite members of the public in attendance to contribute views on business items where relevant, and to apply a reasonable time limit. Chairs may wish to ask members of the public to signal in advance which items they wish to address. It is respectful to acknowledge and respond to those additional contributions as they reflect opinions from engaged members of the community.
- 3.4. Members of the public may slightly overrun and should be given reasonable time to conclude. However, if they disrupt the conduct of the meeting and make it difficult to continue, the Chair may wish to consider procedures for stopping that disruption, including formal warning to stop, pausing the meeting and/or removal of the source of disruption.
- 3.5. In the interests of transparency, impartiality, and resolving potential misunderstandings, it is recommended that the rules about public participation in council meetings should be set out and published in the council's standing orders and made available on the council's website.

4. Chapter 4 - Annual Reports

- 4.1. There has been consistent support expressed by stakeholders to increase the transparency, and increase awareness, of the work of community councils.
- 4.2. For instance, one of the key findings of the independent review panel on community and town councils was the lack of visibility of community councils' activities. The panel found there was a significant need to increase awareness of the existence of community councils and their work within their communities, as well as a need for councils to engage with communities when making decisions.
- 4.3. Section 52 of the 2021 Act requires community councils, as soon as reasonably practicable after the end of each financial year, to prepare and publish an annual report about the council's priorities, activities and achievements over the previous year.
- 4.4. Community councils are currently required to prepare and publish other reports.
 - Section 6 of the Environment (Wales) Act 2016 ("the 2016 Act") requires all community councils to prepare and publish a plan every three years setting out what they propose to do to maintain and enhance biodiversity, and promote resilience. Under section 6(7) of the 2016 Act, the first such report was required to be published before the end of 2019 with all subsequent reports due for publication before the end of every third year after 2019.
 - Section 40 of the Well-being of Future Generations (Wales) Act 2015 requires some community councils to publish a report annually on the progress made in meeting the local wellbeing objectives in its area. The relevant councils are those with an annual turnover of £200,000 or more in the three financial years prior to the local well-being plan being published;
- 4.5. Community councils can choose whether to prepare separate reports or combine these into a single report.

Timing of annual reports

- 4.6. The first annual report will be required for the 2021-2022 financial year and will be due for publication as soon as reasonably practicable after 1 April 2022. Reports for future years should be published as soon as reasonably practicable after the end of each financial year.

Content of annual reports

- 4.7. The annual report forms part of a range of ways in which the council engages with its community, including through its council website, regular newsletters, consultations and social media.
- 4.8. Annual reports should provide information that strengthens the accountability of the council and increases transparency of the work undertaken. The annual report should be a proactive means of sharing information about the council's priorities, activities and achievements.

4.9. There is no template for a community council annual report as the format will reflect what the council does. The level of detail is expected to reflect the size and scope of council activity. It is an opportunity to show the work of the council, reflecting on the past year's activity and to look ahead to its plans for the coming year.

4.10. Although there is no template, councils may wish to consider the following information within its report.

Context

- Information on the organisation of the council
 - Councillors
 - Sub-committees and members
 - Key contact information
- Basic financial information, including (or linked to):
 - Relevant year's audited accounts, audit opinion and any related public interest report (if accounts are not yet audited, they should be labelled as unaudited)
 - The information presented should be compatible with the [Accounts and Audit \(Wales\) Regulations 2014](#).
- Relationship with the principal council
 - Status of formal charters or protocols to work with the principal council
 - Progress update on any potential assets or service transfers
- Training plan (the council may wish to reflect its training plan in this document)
- The number of complaints raised, what they related to and the outcomes (if relevant).
- Response to a Standards Committee annual report (*where any recommendations are made to that community council*).

Activities

- Key council objectives for the year
 - Progress against objectives
- Assets and services
 - Assets and services managed
 - Asset transfers in progress or completed
- The activities undertaken and planned to engage with its community
- Other community council reports (*through a composite report or links to other council reports*) i.e.
 - Well-being of Future Generations (Wales) Act 2015
 - Environment (Wales) Act 2016

Achievements

- High points of the year including the outputs and outcomes of key services or activities delivered during the year.
- Reflection on what worked well and not so well.
- Confirmation of eligibility to exercise the GPoC (if relevant)
 - How the council has used the power.

Priorities

- Planned activities for subsequent year
- Future budget requirements and how the priorities will be met, e.g. from precept, reserves or commercial activities through the GPoC (if exercising it).

4.11. This is not an exhaustive list of items that could be in the annual report. It is for councils to consider which aspects of their work are ***relevant and proportionate*** to communicate in its report.

4.12. In preparing the annual report it is good practice to consider how the work undertaken in the past year – and planned for the following year – reflects the five ways of working, as set out in the Well-being of Future Generations (Wales) Act 2015.

- Long term
- Integration
- Involvement
- Collaboration
- Prevention

Approving the annual report

4.13. The council may make its own arrangements for the preparation of various components of the annual report e.g. by staff or through committees. Once the report has been assembled it is for the full council to consider and approve; the approval decision cannot be delegated to a council committee or council officer.

Publication of the annual report

4.14. The publication of the council's annual report should be consistent with the wider approach to publication of council papers in Schedule 4 of the 2021 Act; i.e. that the report is published electronically on the community council website.

4.15. Where the community council has adopted a Welsh Language Scheme, those councils may have made a commitment through the Scheme to publish their annual reports in Welsh. Where no such scheme has been adopted, councils are encouraged to publish bilingually to provide a language choice to their community.

Learning from others in preparing the annual report

4.16. Many councils already publish reports about the work of their council, often titled as an 'annual report', for their local communities and reviewing the

approach other councils have adopted may assist councils in preparing their annual report

- 4.17. Reports vary in length, content, and presentation style but largely cover most of the items in paragraph 4.10.
- 4.18. If you are preparing your council's first annual report it may be useful to review some examples of other councils to help inform your council's approach. There is significant flexibility on the structure, format and medium of published annual reports. Your council will want to consider how to make it engaging and accessible for its community.

5. Chapter 5 - Training Plans

- 5.1. Community councils and their staff should seek to equip themselves to be as effective and efficient as possible when exercising functions. Councils should regularly review whether there are opportunities to improve their administration and governance so that they are better able to perform their responsibilities and serve their communities. Having identified development gaps, the next step is to develop a plan to address these gaps.
- 5.2. Section 67 of the 2021 Act requires community councils to make and publish a plan about the training provision for its members and staff. The first training plan must be ready and published by 5 November 2022, six months after the duty comes into force. This is considered to be an appropriate period of time for councils to assess needs, agree its training budget and adopt a plan.
- 5.3. 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.

Purpose of the training plan

- 5.4. Planning for the provision of training can be carried out in a proportionate way, taking into account factors such as the activities undertaken by that council, the current expertise of councillors and clerks and the nature and significance of any training needs identified. Overall, the intention is that the preparation of a training plan would support councillors to have the relevant training to carry out their role - as well as professional clerks and other employees.

Training needs analysis

- 5.5. In order to determine the training priorities for the community council, it is necessary to assess the essential skills needed by the council and whether the council feels there is sufficient coverage and depth across the council. The full list of essential skills will depend on the activities within the council. For instance, a council intending to exercise the GPoC may find it essential that councillors are familiar with preparing a business case or setting up a business.
- 5.6. There are areas which *all* councils should ensure that they have sufficient skills and understanding. These are:
 - Basic induction for councillors;
 - The [Code of Conduct for members of local authorities in Wales](#); and
 - Financial management and governance.
- 5.7. In addition to these areas, the council will want to consider if there are new challenges and opportunities it may wish to explore, such as those offered by the GPoC. In which case, it may decide there are new skills for councillors and clerks to attain.
- 5.8. A number of training analysis templates are available online to help councils determine their own approach to analysing training needs. The most basic approach would list those essential skills identified above and by the council, and ask individual councillors and staff to self-appraise a level of competence

e.g. between one and four (where four is fully proficient). The council can use that information to determine its training needs and then its collective training priorities.

- 5.9. The next stage is to determine what steps it will take to address relevant skills gaps and prioritise accordingly.

Agreeing and publishing the training plan

- 5.10. The training plan should reflect the training needs of the council and its plan for addressing those needs. The plan must be approved by the full council prior to publication. The plan should provide, as a minimum, information about:

- The type of training;
- Numbers participating;
- The timeframe over which the training is expected to be completed; and
- The overall cost of the training.

- 5.11. The National Training Advisory Group (NTAG) for the community and town council sector publishes a strategy for securing sufficient and relevant training provision for councils. It details the courses available and support materials. The council is likely to find this information helpful in determining opportunities to address training needs. As of publication of this document, the NTAG Wales Training Strategy is due to be updated.

- 5.12. Councils may want to consider the broader range of opportunities to build expertise including formal and informal training, such as shadowing other councillors or staff, or online learning.

- 5.13. Training costs must be met by councils themselves, although bursary schemes for councillors and clerks may be available to subsidise these costs. Part of the costs of running an effective council includes ensuring that the members and staff have sufficient capability to carry out their functions effectively. Councils should take account of the training costs when setting their budgets.

- 5.14. Smaller councils, in particular, may wish to share training plans with neighbouring councils to identify any common training requirements that could be negotiated on a larger group basis and potentially reduce the training costs for all.

- 5.15. The published training plan should not seek to name individuals without their consent. Where this is impossible, e.g. there is one member of staff, the training plan should focus on what the training priorities are rather than who they are for.

Training for employees of more than one community council

- 5.16. A single clerk may act in this capacity for more than one community council. Other staff may also work across multiple community councils. It is recommended that community councils take a pragmatic approach to meeting the training needs. For instance, councils could agree collectively what training such staff are to receive and how the costs may be shared between the councils. This could be recorded in the training plans of all councils affected,

although care would need to be taken to prevent the information identifying a particular individual.

Review of training plans

5.17. Under section 67(4) of the 2021 Act there is a duty on councils to review their training plan from time to time.

5.18. As a minimum this would be at least at every ordinary election of community councillors. Under section 67(3) of the 2021 Act, once the first plan is published, subsequent plans must be prepared within three months of an ordinary election of community councillors

5.19. In practice, the plan is likely to require revising more frequently, for example, following a council by-election or a new co-opted councillor joining; staff changes; or taking on new responsibilities such as new services or assets.

5.20. Where a council revises or replaces its training plan, under section 67(5) of the 2021 Act, the council must publish the revised or new plan.

Publication

5.21. The publication of the council's training plan should be consistent with the wider approach to publication required by the 2021 Act and be published electronically.

6. Chapter 6: Other provisions impacting community and town councils

Notices of meetings of community councils

- 6.1. Part 1 of Schedule 4 to the 2021 Act amends paragraph 26 of Schedule 12 to the 1972 Act in respect of the notice of the time and place of a full council meeting. The notice (including how the meeting may be accessed virtually, if applicable) must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened. If a member wants to receive the summons in writing rather than electronically, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
- 6.2. If the meeting is held remotely the notice must provide details about how to access the meeting, and the time and place of the meeting. The place may be omitted if the meeting is held by remote means only.
- 6.3. Paragraph 5 of Schedule 4 to the 2021 Act amends the Public Bodies (Admissions to Meetings) Act 1960 in relation to notices of meetings of community councils. a copy of the notice of the meeting must be published electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- 6.4. Paragraph 21 of Schedule 4 to the 2021 act notes that in exceptional circumstances, a meeting of a committee or sub-committee of the council may be called at shorter notice. In which case, notices should be published with at least 24 hours' notice.
- 6.5. The provision to enable urgent meetings should be used only in an appropriate manner for matters which require urgent response. This mirrors similar provision in place for principal councils, e.g. to form an emergency response to local flooding or a public health crisis. Community councils are advised to prepare standing orders for the process and reasons for calling such urgent meetings, including the securing of support from across council members.
- 6.6. These notice requirements also apply where a formal meeting is taking place which is not open to the public.

Proceedings of community council meetings

- 6.7. The 2021 inserts a requirement under section 26ZA of Schedule 12 to the 1972 Act that no later than seven working days of a council meeting, the council must publish electronically a note setting out:
 - The names of the members who attended the meeting, and any apologies for absence;
 - Any declarations of interest; and
 - Any decisions taken at the meeting, including the outcomes of any votes.

- 6.8. This requirement does not replace the requirements set out in section 55 of the Local Government (Democracy) (Wales) Act 2013 to publish electronically minutes of meetings and such other information as is set out in that section.
- 6.9. The requirements regarding the note to be published after a council meeting do not apply for private business or where disclosure would be detrimental to acting on those decisions.

Community petitions

- 6.10. The 1972 Act (as amended by the Local Government (Wales) Measure 2011 ("the 2011 Measure")) provided for a community poll to be held if one was demanded at a properly convened community meeting. The outcomes of community polls were non-binding.
- 6.11. Evidence shows that turnout at community polls, as a percentage of the total people entitled to vote is low. In addition, community polls are costly. In order to retain the opportunity for communities to make their views known to their council, the 2021 Act has repealed community polls and replaced them with a system of petitions. Schedule 13 of the 2021 Act provides for the repeal of community polls, and section 42 of the Act introduces a new petitions scheme which is to be made and published by the relevant principal authority.
- 6.12. The exception to this relates to community governance polls i.e. those which enable a community to hold a poll in respect of a proposal to establish or dissolve a community council or to group with other communities under a common community council. The legislation relating to community governance polls, which is set out in the 1972 Act (as amended by the 2011 Measure), is unchanged in the 2021 Act.

Elections

- 6.13. Section 15 of the 2021 Act changes the electoral cycle of principal councils and community councils from four to five-year terms. The voting system for community council elections remains first past the post.
- 6.14. Section 19 of the 2021 Act amends the eligibility criteria for candidates at local government elections to allow a citizen of any country to stand for election. This is subject to the other qualifying criteria, such as age and residence. All other disqualification criteria will continue to apply.
- 6.15. Section 20 of the 2021 Act provides that community council employees, other than those holding politically restricted posts, will be entitled to stand for election to their own council. They will only be required to resign their paid employment with the council if they are elected. This widens the pool of potential candidates while ensuring there is no conflict of interest once the candidate is elected.
- 6.16. Section 21 of the 2021 Act disqualifies a member of a local authority from being appointed or elected to that authority to any paid office other than the office of chair or vice-chair. In the case of community councils there are no such paid office posts. If they wish to take paid office within that community council, they

must resign. However, this section repealed section 116 of the 1972 Act as it applies in Wales (replacing it with section 116A). There is now no requirement to wait 12 months before they can take up paid office.

Meetings in licensed premises

6.17. Schedule 4, paragraph 20 of the 2021 Act has amended Schedule 12, paragraph 26 to the 1972 Act. The effect is to remove the restriction on holding community council meetings and sub-committee meetings within licensed premises.