



Eich cyf/Your ref
Ein cyf/Our ref

To: Community and Town Councils in Wales
One Voice Wales
The Society of Local Council Clerks

13 December 2021

Dear Colleague

In June 2021, I published a consultation on draft regulations to be made under section 30(3) of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”), specifying the qualifications a clerk to a community council must hold in order to satisfy one of the three conditions for a council to resolve itself to become an eligible community council for the purpose of exercising the general power of competence.

I am grateful to all who took time to respond to the formal consultation. An analysis of consultation responses has been undertaken and a summary published on the [Welsh Government website](#).

The majority of respondents to the consultation agreed that the qualifications specified in the draft regulations would give confidence that a clerk has the core knowledge, skills and understanding to support a community council in the exercise of the general power of competence. There is clear confidence particularly from the main sector representative bodies, that the Certificate in Local Council Administration (CiLCA) provides the appropriate sector-specific certified training for clerks to enable them to support their council. The other qualifications specified in the draft regulations also meet that requirement.

While some respondents put forward alternative qualifications for consideration for inclusion, there was no significant support for other suitable, sector-specific qualifications. The extent to which the content of the other qualifications put forward would be applicable to the sector would vary. A number of respondents to the consultation also suggested that experience in a clerk role should be taken into account. While I acknowledge and value this experience, I am not persuaded that it can be objectively measured to provide assurance that a clerk is suitably equipped to support a council in exercising the general power of competence.

Following this formal consultation, I am pleased to confirm that I have now laid the Eligible Community Councils (General Power of Competence) (Qualifications of Clerks) (Wales)

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Regulations 2021 before the Senedd, with a coming into force date of 5 May 2022. The regulations are unchanged from the draft issued for consultation and can be found on the [Senedd Cymru website](#).

Some of the responses to the consultation appeared to be of the understanding that the qualifications would be a requirement for **all** community council clerks. It is important to emphasise that a community council does **not** have to meet the conditions for the general power of competence unless it wishes to resolve itself an eligible council. The qualification requirement detailed in the regulations is only for councils, regardless of size, that wish to resolve themselves an eligible community council for the purposes of exercising the general power of competence.

The general power under section 137(1) of the Local Government Act 1972 has been retained for community councils that do not wish to resolve themselves to become an eligible community council, or are not yet able to satisfy the eligibility conditions.

A number of consultation responses noted the importance of ongoing development of clerks. This is something that the Welsh Government supports, with [bursary funding](#) provided to enable clerks to undertake the full CiLCA certificate, as well as broader training such as the Introduction to Local Council Administration (ILCA), Society of Local Council Clerks training courses, conferences and continuing professional development opportunities. This funding is reviewed on an annual basis and I would encourage councils and clerks to take advantage of this opportunity.

Statutory guidance is currently being developed for community and town councils on all their new powers and duties under the 2021 Act. This will include a section on exercising the general power of competence and questions raised in this consultation will be reflected in the guidance. The guidance will be subject to consultation later this year and I look forward to considering feedback on this. My officials will continue to work closely with sector partners through implementation of the 2021 Act, and ensuring that the guidance meets the needs of community and town councils in Wales.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a period at the end.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government