

# Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraidd



To: Cllr Robin Guest (Chairman)

CS/NG

Councillors: Chris Bithell, Derek Butler,  
Clive Carver, David Cox, Glenys Diskin,  
Ian Dunbar, David Evans, Veronica Gay,  
George Hardcastle, Patrick Heesom, Joe Johnson,  
Dave Mackie, Tim Newhouse, Neville Phillips,  
Ian Roberts, Tony Sharps, Paul Shotton,  
Nigel Steele-Mortimer, Owen Thomas and  
Arnold Woolley

11 July 2013

Maureen Potter 01352 702322  
maureen.potter@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **DEMOCRATIC SERVICES COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 17TH JULY, 2013** at **3.30 PM** to consider the following items.

**Please note that the meeting will commence at 3.30pm or on the rising of the Constitution Committee, whichever is the latest.**

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

3 **APPOINTMENT OF VICE-CHAIR**

Nominations will be sought for a Vice-Chair for the Committee.

4 **MINUTES** (Pages 1 - 6)

To confirm as a correct record the minutes of the last meeting.

5 **ANNUAL REPORTS BY MEMBERS** (Pages 7 - 20)

To agree the Council's arrangements for annual reports by Members

6 **MEMBERS TRAINING – CORPORATE PARENTING TRAINING** (Pages 21 - 24)

To seek support from the Democratic Services Committee for the recommendations of the Joint Social & Health Care and Lifelong Learning Overview & Scrutiny Committee meeting held on the 11 June, 2013 in relation to corporate parenting training.

## **DEMOCRATIC SERVICES COMMITTEE** **24 APRIL 2013**

Minutes of the meeting of the Democratic Services Committee of Flintshire County Council held in County Hall, Mold on Wednesday, 24 April, 2013

### **PRESENT: Councillor R.J.T. Guest (Chairman)**

Councillors: R.C. Bithell, D. Butler, C.S. Carver, A.I. Dunbar, D. Evans, G. Hardcastle, P.G. Heesom, T. Newhouse, N. Phillips, W.P. Shotton, N.R. Steele-Mortimer, and W.O. Thomas

**APOLOGIES:** Councillors D.L. Cox, V. Gay, J.M. Johnson, R. Johnson and A. Woolley

### **IN ATTENDANCE:**

Head of Legal and Democratic Services, Democracy and Governance Manager, and Committee Officer

## **25. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **26. MINUTES**

The minutes of the meeting of the Committee held on 30 January 2013, were submitted.

### **Matters arising**

Councillor R.C. Bithell referred to his Criminal Records Bureau (CRB) check and commented that he was not aware if a recheck had yet been undertaken. The Head of Legal and Democratic Services responded that he would review the current situation regarding Members' CRB checks.

### **Feedback on Member Development Events**

Councillor C.S. Carver asked if Group Leaders had been contacted concerning the attendance of Members at training events. The Democracy and Governance Manager confirmed that he had written to Group Leaders with the intent of securing improved Member attendance at such events.

### **RESOLVED:**

That the minutes be received, approved and signed by the Chairman as a correct record.

## **27. ANNUAL REPORTS BY MEMBERS**

The Democracy and Governance Manager introduced a report to inform of the current position on annual reports by Members. He provided background information and reported that the Committee had previously considered

consultation by the Welsh Government (WG) on draft guidance on annual reports and a response had been sent to the WG on 25 October 2012. The final version of the guidance was still awaited from the WG.

Members were advised that the draft guidance had anticipated that the first member annual reports would be published by the end of June 2013, however, representations had been made to the WG that as the final version of the guidance had not been issued the timescale should be altered to the end of September 2013. The Democracy and Governance Manager commented that whilst it was hoped that the timescale would be delayed it may not be and Members should prepare and consider the issues relating to such annual reports as there would be a need to proceed quickly once the final guidance was issued.

The Democracy and Governance Manager referred to the new arrangements under the Local Government (Wales) Measure for local authorities around the annual reports produced by Members and the publishing of such reports. He said that there ought to be some conditions imposed as to the content of the annual reports and these were as suggested in the report.

Members were asked to consider the conditions detailed in the report and either recommend or determine any further appropriate conditions on the contents of such reports for consideration by Council and Cabinet.

Councillor R.C. Bithell commented on the need for Members to have sufficient time to prepare for the task involved and commented that Members should wait until final guidance was received.

During discussion the Head of Legal and Democratic Services and Democracy and Governance Manager responded to the queries raised regarding the need for Members to produce and publish annual reports and the appropriate content to be included.

Councillor P.G. Heesom proposed that the item be deferred until final guidance was received from the Welsh Government. The proposal was seconded by Councillor N.R. Steele-Mortimer and became the resolution of the Committee.

**RESOLVED:**

That the item be deferred until the authority receive final guidance from the Welsh Government.

**28. GRANT IN RELATION TO BROADCASTING OF COUNTY COUNCIL MEETINGS AND IMPROVING TOWN/COMMUNITY COUNCIL WEBSITES**

The Democracy and Governance Manager introduced a report to inform of a grant the Welsh Government had awarded to the County Council. He provided background information and advised that the Council had been allocated £40K to assist with broadcasting and remote attendance plus an extra £500 in respect of each Town or Community Council in its area. The total funding for Flintshire was up to £57K.

The Democracy and Governance Manager referred to the importance the Welsh Government attached to the broadcasting of Council meetings to ensure that the profile of local government was raised and the public were informed and engaged concerning the decision making procedures of the Council. He advised that to claim the grant the Council would have to produce evidence of at least a pilot of webcasting a meeting by the end of March 2014. He also stated that a Member may be present at a meeting through remote attendance and guidance on this was expected from the Welsh Government during the Autumn. To obtain the grant funding the Council was required to have piloted remote attendance for at least one meeting prior to the end of March 2014.

The Democracy and Governance Manager had written to the Clerks of all Town and Community Councils to inform them of the availability of up to £500 for provision of or improvements to a website for each Town or Community Council.

During discussion Members welcomed the £500 grant funding for improvements and accessibility to Town and Community Councils on the internet. Members also expressed a number of views in support of and against the webcasting of meetings and remote attendance at meetings.

The Head of Legal and Democratic Services and the Democracy and Governance Manager responded to the queries raised by Members concerning the arrangements for Town or Community Councils who did not currently have a website, and the security and maintenance of such websites.

Councillor Heesom proposed that the Committee note the offer of grant funding that the Council had accepted in March 2013 and this was agreed by Members.

**RESOLVED:**

That the Committee note the grant funding that the Council had accepted.

**29. THE ANNUAL MEMBER DEVELOPMENT PROGRAMME FOR 2013/14**

The Democracy and Governance Manager introduced a report for the Committee to determine the Member Development Programme for 2013/14. He advised that a letter had been sent to Group Leaders and their deputies asking for suggestions for topics for the 2013/14 Programme.

The Democracy and Governance Manager advised that the annual member development programme could cover both topics and skills but was not intended to cover training or briefings specifically provided for members of a particular committee or to cover training provided to members by the Council's ICT training Staff. .

Referring to the annual review of training and development needs which was available to all members, the Democracy and Governance Manager advised this had led to Councillor V. Gay suggesting a training course to help members create and set up their own newsletters and/or community information websites.

The Community Cohesion Officer had also indicated that he could arrange for an organisation known as "Communities 2.0" to offer training to members on iPad basics and social networking to cover the practical use of social media such as Facebook and Twitter. The Democracy and Governance Manager advised that in addition to the initial programme for 2013/14 further topics could be included on the Programme during the year.

Members welcomed the two topics which had been put forward for the 2013/14 Programme. Councillor P.G. Heesom commented on the need for more enhanced training to specifically develop Members' ICT abilities and enable them to keep pace with developments.

**RESOLVED:**

- (a) That the above two topics be included in the initial member development programme for 2013/14; and
- (b) That delegated power be given to the Democracy and Governance Manager in consultation with the Committee Chair to add other topics to the initial programme where appropriate.

**30. FEEDBACK ON MEMBER DEVELOPMENT EVENTS**

The Democracy and Governance Manager introduced a report to provide feedback on Member development events held since the last meeting of the Committee. He advised that attached to the report were graphs showing the feedback received from the last two Member development events held.

Members were invited to provide feedback on their experiences or suggestions for improvements for future development events. The Democracy and Governance Manager advised that a number of training sessions had been cancelled due to insufficient attendance for interactivity to take place at the training.

Councillor N. Phillips said it was regrettable that such events had to be cancelled due to poor attendance by Members and praised the commitment of Officers and trainers. During discussion a number of concerns were raised about non attendance and clashes with committee meetings, events and fora were cited as a possible reason. Members commented that the weekly diary produced by Members Services was helpful but it was not always up to date and did not reflect all Members' diary commitments. In addition concern was expressed regarding events that were cancelled at short notice which, particularly if an evening event, prevented Members from making an alternative arrangement to attend that training.

Councillor W.P. Shotton commended the Democracy and Governance Manager on the high standard of the training sessions provided which were an excellent source of information and guidance for Members.

**RESOLVED:**

That the feedback on Member Development Events be noted

**31. PRESS IN ATTENDANCE**

There were no members of the press in attendance.

**32. DURATION OF MEETING**

The meeting commenced at 3.40 pm and finished at 4.30 pm.

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Chairman

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **DEMOCRATIC SERVICES COMMITTEE**  
**DATE:** **WEDNESDAY, 17 JULY 2013**  
**REPORT BY:** **DEMOCRACY & GOVERNANCE MANAGER**  
**SUBJECT:** **ANNUAL REPORTS BY MEMBERS**

### **1.00 PURPOSE OF REPORT**

1.01 To agree the Council's arrangements for annual reports by Members.

### **2.00 BACKGROUND**

2.01 Section 5 of the Local Government (Wales) Measure 2011 states:-

“1. A local authority must make arrangements for:-

- a) Each person who is a member of the authority to make an annual report about the person's activities as a member of the authority during the year to which the report relates;
- b) Each person who is a member of the authority's Executive to make an annual report about the person's activities as a member of the Executive during the year to which the report relates; and
- c) The authority to publish all annual reports produced by its members and by the members of its Executive.

2. The arrangements may include conditions as to the contents of a report that must be satisfied by the person making it.

3. A local authority must publicise its arrangements.

4. In exercising its functions under this section a local authority must have regard to guidance given by the Welsh Ministers.”

2.02 At its meeting on the 24 October 2012 the committee considered consultation by the Welsh Government on draft guidance on annual reports by Members. The response to consultation on that draft guidance is set out in appendix 1.

2.03 In May 2013 the final version of the statutory guidance was issued and this is attached as appendix 2. Whilst the final version of the guidance has numbered paragraphs the other two points made in

response to consultation on the draft have not been incorporated into the final version of the guidance.

### **3.00 CONSIDERATIONS**

- 3.01 The Council is legally required to make the arrangements detailed in Section 5 of the Local Government (Wales) Measure. Once those arrangements have been made it is for individual Members choice as to whether or not they make an annual report to be published in accordance with those arrangements.
- 3.02 The new arrangements under the Local Government (Wales) Measure are in addition to all existing arrangements individual Members make to inform their constituents of the work they do. All costs associated with the new arrangements are met by the local authority whereas the costs associated with existing arrangements such as constituent newsletters are met by the individual Member concerned.
- 3.03 It is for individual Councils to determine the conditions that should be imposed on such annual reports by Members and the arrangements it wishes to make for publishing them. The committee is being asked to determine these matters.
- 3.04 In responding to the draft guidance the committee previously made the point that the final guidance should make clear that if an individual Member's annual report did not comply with the statutory guidance the authority should not publish it. This would give a practical way to limit the contents of the annual reports to those matters which the Welsh Government in the statutory guidance believes appropriate. Whilst the final version of the guidance has not incorporated this the Council can impose a condition to this effect and that in particular it complies with the standard template recommended in paragraph 1.6 of the guidance to ensure a uniform format to such reports. A specimen using this template is shown in appendix 3.
- 3.05 Unlike existing arrangements where individual Members publish their newsletters and the like, with the new arrangements the Council is required to publish them and would therefore be liable for any defamation included in a Members' annual report. It is therefore recommended that another condition to be imposed is that the contents of the annual report are not defamatory as determined by the Monitoring Officer.
- 3.06 In relation to arrangements for publishing the annual reports and publicising their availability, bearing in mind the cost is met by the Council, it is recommended that it would be sufficient to publish the annual reports on the Council's website and to similarly publicise their availability on the website.

#### **4.00 RECOMMENDATIONS**

4.01 That the following conditions be imposed as part of the arrangements under Section 5 of the Local Government (Wales) Measure 2011:-

1. That annual reports by Members must comply with the statutory guidance including the standard template referred to in paragraph 1.6 of that guidance.
2. That the contents of the annual report are not defamatory in the opinion of the Council's Monitoring Officer.

4.02 That there are sufficient arrangements for publishing the annual reports and publicising their availability if they are published on the appropriate part of the Council's website and their availability publicised on it.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 The cost will be met from the Member training budget.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

8.01 The annual reports on the website will be bilingual.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 The workload arising will be dealt with within existing resources.

#### **10.00 CONSULTATION REQUIRED**

10.01 With political Group Leaders.

#### **11.00 CONSULTATION UNDERTAKEN**

11.01 With political Group Leaders.

#### **12.00 APPENDICES**

- 12.01 Appendix 1 - Response to consultation  
Appendix 2 - Final version of statutory guidance  
Appendix 3 - Template specimen

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

Report to Democratic Services Committee meeting of the 23.04.13

**Contact Officer:** Peter Evans  
**Telephone:** 01352 702304  
**Email:** [peter.j.evans@flintshire.gov.uk](mailto:peter.j.evans@flintshire.gov.uk)

**Response to Consultation on Draft Guidance concerning  
Annual Reports by Members**

The straightforward and short length of the guidance are both welcomed.  
There are however, the following points of detail:-

1. Please could the final version of the guidance explain why the annual reports are not an executive function.
2. It would be helpful if the final version of the guidance made clear that if an individual Member's annual report did not comply with the statutory guidance the authority should not publish it. This would give a practical way for each Council to limit the contents of the annual reports to those which the Welsh Government in the statutory guidance believes appropriate.
3. It would be helpful for reference purposes if the final version of the guidance numbered each paragraph.

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APPENDIX 2

# Statutory Guidance from the Local Government Measure 2011

## Section 5 Annual Reports

May 2013



## **Annual Reports by Members of a Local Authority**

### Statutory Guidance made under Section 5 of the Local Government (Wales) Measure 2011

#### **Introduction**

1.1 Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) contains provisions intended to strengthen local democracy. Chapter 1 of that Part concerns the support provided to members of a local authority and section 5 within that chapter provides for the production of annual reports for these members.

1.2 This statutory guidance is issued under section 5(4) of the Measure. The guidance relates to local authorities making arrangements for the production of annual reports.

#### **What the Measure requires.**

1.3 Section 5 requires county and county borough councils (local authorities) to ensure that all their elected members are able to make an annual report on their council activities during the previous year. This includes enabling any member of the council’s executive to be able to report on their executive activities also. Any reports produced by members of a county or county borough council must be published by that council.

A local authority is free to set conditions/limits on what is included in a report.

A local authority must publicise what arrangements it has for publishing annual reports and in drawing up these arrangements must have regard to this guidance in so doing.

#### **Guidance**

##### Duties of a local authority

1.4 A local authority must make the arrangements enabling its members to produce annual reports. This means it must tell its members how and by when to do this. The Measure, at section 8 *et seq*, provides for a Head of Democratic Services (HDS) to carry out democratic services functions as defined in section 9. This includes the provision of support and advice to members to assist them in the carrying out of their functions and organisation of the annual report process would fall within this. The Measure prevents the HDS from providing support and advice to a member of an executive in relation to the carrying out of that member’s executive functions, but production of an annual report, even if it made reference to the member’s executive activities, is not an executive function in itself.

## Publication of reports

1.5 How a local authority decides to publish Members annual reports is a matter for that authority to decide upon. The minimum requirement would be for the authority to include a link to a member's annual report on that part of the authority's website which carries details of individual members. There is no requirement for any publicity beyond this, and authorities should be careful that, if they decide to provide any further publicity for the reports, the same provision is provided for all members. Therefore, should a member request that his/her report is given any greater publicity, that request should be declined unless carried out in respect of all members.

Local authorities should ensure also that their website includes information about the introduction of annual reports and how members of the public can access them.

## Content of reports

1.6 The central purpose of the reports is for members of the public to find information about their local councillor's activity.

In considering its approach a local authority should have regard to the resource implications of supporting all local Members to prepare for publication of their annual report. In order to contain the scale of the task, an authority may wish to create a standard annual report template that acknowledges the need to strike a balance between resources and output, whilst taking into account the requirements of the Data Protection Act.

Local Authorities should ensure that Annual reports avoid promoting political achievements, are written in the past tense, and limit the report template to two sides of A4.

The template for Members Annual Reports might be expected to include; Role and responsibilities (membership of internal and external committees, panels, groups and organisations); Constituency Activity; Initiatives and Special Activities, Learning & Development; and Other Activities.

1.7 Local authorities may place their own restrictions on content in reports. Annual reports should include only factual information. In the main that would suggest information on meetings, events and conferences etc. attended, training and development received. While it might be acceptable to record information such as "made representations on behalf of the campaign to save the local hospital in the following ways", it would not be acceptable to say "succeeded in saving local hospital by my efforts on my constituents' behalf".

1.8 Similarly, care should be taken to avoid including in reports information concerning activities when the member concerned is not operating in the role of councillor. So, whereas it would be acceptable to include information concerning,

for instance, a speech made at a conference where the member was attending because of their council role, it would not be acceptable to refer to a speech made to, for instance, a Party conference, where the member was a delegate from their local party organisation.

1.9 Care should also be taken not to include information which could be interpreted as critical of another member. For instance, it would not be acceptable for a member to compare his/her attendance or activities with that of another member or members.

1.10 The following areas are proposed as standard items to be included:

- Role and responsibilities – to include details of membership of committees and outside bodies, attendance records for these and full council.
- Local activity – details of surgeries held, representations made on behalf of electors and the results of these
- Major projects – involvement in local, county or regional initiatives or projects.
- Learning and development – details of training and development events attended or undertaken, conferences and seminars attended.

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**ANNUAL REPORT OF COUNCILLOR PETER EVANS FOR 2013**

**Membership of Internal Committees**

Planning Committee  
Environment Overview & Scrutiny  
Planning Strategy Group

**Membership of External Bodies**

Flintshire Town Council  
Management Committee of Flint Cricket Club

**Constituency Activity**

Made written and verbal representation to save Flint Community Hospital  
Held monthly constituency surgeries every Saturday morning in the Cricket Club

**Initiatives and Special Activities**

Ongoing representations to Lifelong Learning Directorate about encouraging the playing of cricket in schools.  
Pursued with M.C.C grant application for cricket club.

**Other Activities**

During the year helped with fundraising for the Lords Taverners to provide recreational facilities for those with special needs.

**Learning and Development**

Attended three training events relating to planning.  
Attended numerous briefings on various aspects of Council work.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **DEMOCRATIC SERVICES COMMITTEE**  
**DATE:** **THURSDAY, 17<sup>TH</sup> JULY, 2013**  
**REPORT BY:** **MEMBER ENGAGEMENT MANAGER**  
**SUBJECT:** **MEMBER TRAINING – CORPORATE PARENTING**

### **1.00 PURPOSE OF REPORT**

1.01 To enable the Democratic Services Committee to consider the recommendations of the Joint Social & Health Care and Lifelong Learning Overview & Scrutiny Committee meeting held on the 11 June, 2013 in relation to corporate parenting training.

### **2.00 BACKGROUND**

2.01 Corporate parenting is the term used to describe the responsibility Flintshire County Council has towards the children and young people who are 'looked after', that is those who are in public care.

2.02 Good corporate parenting requires a 'whole authority' approach to the care and protection of children and young people who are looked after. Elected Members have a leading role in ensuring that Flintshire County Council acts as an effective corporate parent and takes positive action to ensure the best possible outcomes for children and young people in care.

2.03 A guidance document 'If this were my child...' was originally issued to all County Councillors in March 2005 setting out their key responsibilities as corporate parents to the children in their care. The document was re-issued in 2009. Since then, copies have been made available and a copy is on deposit in the Members' library.

### **3.00 CONSIDERATIONS**

3.01 For a number of years Flintshire County Council has adopted a proactive approach towards member development and support in the forms of internally and externally facilitated presentations, seminars and workshops as well as through specific training courses. The Council has supported member's development through the allocation of a specific budget and applied its policy on an equal basis to all 70 Members.

3.01 During the recent joint Social & Health Care and Lifelong Learning Overview & Scrutiny Committee meeting held on the 11 June, 2013, the Head of Children's Service presented the Corporate Parenting Activity Update report.

3.02 During consideration of the report, Councillor C.A. Ellis (Chair of the meeting) suggested that corporate parenting training should be made compulsory for all Members. This suggestion was supported by Members of both the Social & Health Care and Lifelong Learning Overview & Scrutiny Committees who recommended:-

- That County Council be asked to consider making Corporate Parenting Training compulsory for all Members; and
- That Corporate Parenting training is provided during a future County Council meeting.

3.03 The impetus for such recommendations is appreciated. However, unlike with Audit and Planning training, Flintshire (as other authorities) does not have the power to make member training compulsory. It would be possible to recommend that the group leaders encourage their members to attend, but this would not become a formal requirement that individuals attend, even though the members at the joint meeting recognised the importance thereof.

3.03 The suggestion to hold a Corporate parenting training session during a County Council meeting was made to encourage greater member attendance at the training session. However, it should be recognised that the time available at County Council meetings is already severely constrained. It was for that reason that a 'business protocol' for meetings was prepared three years ago. Presentations to Council are limited to ten minutes, with ten minutes for questions. This would not be conducive to a meaningful training session.

3.04 The officers have discussed whether it is feasible to hold a training session immediately before or after a Council meeting. However, experience has shown many Members are in group meetings in the two hours before Council meetings. Given that it can be difficult to predict the length of a Council meeting and that several Members tend to leave towards the end of an afternoon meeting because of their personal commitments, it is also difficult to make a compelling argument for holding training at the rising of Council.

#### **4.00 RECOMMENDATIONS**

4.01 That having regard to the above, the Committee considers the recommendation of the Social & Health Care and Lifelong Learning Overview & Scrutiny Committees that corporate parenting training for Members be compulsory.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 A sum of £11,122 is included in the Council's 2013/14 budget for members training and development activities

**6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

**8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 N/A

**11.00 CONSULTATION UNDERTAKEN**

11.01 Publication of this report constitutes consultation.

**12.00 APPENDICES**

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None.

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