

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** DEMOCRATIC SERVICES COMMITTEE

**DATE:** WEDNESDAY, 24 APRIL 2013

**REPORT BY:** DEMOCRACY & GOVERNANCE MANAGER

**SUBJECT:** ANNUAL REPORTS BY MEMBERS

**1.00 PURPOSE OF REPORT**

1.01 To inform members of the current position on 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 content 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 24<sup>th</sup> October, the committee considered consultation by the Welsh Government on draft guidance on annual reports by members. The response to consultation on the draft guidance is set out in Appendix 1. This was sent to the Welsh Government on 25<sup>th</sup> October 2012.

### **3.00 CONSIDERATIONS**

- 3.01 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.
- 3.02 At the time of preparing this report, the final version of the guidance is still awaited from the Welsh Government. The draft guidance included a statement anticipating that the first member annual reports would be published no later than the end of June 2013. On 10<sup>th</sup> April representations were made to the Welsh Government that as the final version of the guidance had not been issued the timescale in the draft guidance should be altered to the end of September 2013. While it is hoped that due to the delay in issuing the final guidance, the timescale will be altered; if that is not the case there will be a need to move quickly once the final guidance is issued. In preparation for this, the committee is asked to consider issues relating to such annual reports. There will also be consultation with group leaders and once the final version of the guidance has been issued reports to council and cabinet.
- 3.03 Section 5 of the measure requires local authorities to make arrangements enabling its members to produce annual reports. They must also publish all annual reports that its members produce but it can impose conditions as to the contents of any such reports. There is also a requirement for the council to publicise the arrangements it makes. Unlike existing arrangements where individual members publish newsletters and the like with the new arrangements the council would be liable for any defamatory material published.
- 3.04 In view of the considerations in Paragraphs 3.01 and 3.03 above, it is considered that there ought to be the following conditions as to the contents of such reports:-
- i. that the contents comply with the guidance issued by the Welsh Government
  - ii. that the annual report is not defamatory
  - iii. that the content of each report does not exceed a thousand words

### **4.00 RECOMMENDATIONS**

- 4.01 It is recommended the committee:-

- i. notes the current situation regarding the preparation of annual reports by members
- ii. recommends appropriate conditions on the contents of such reports for consideration by council and cabinet

**5.00 FINANCIAL IMPLICATIONS**

5.01 The costs could 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 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 For the issue of annual reports by members to be considered by group leaders prior to reports to council and cabinet.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Draft guidance on such annual reports was considered at the Democratic Services Committee Meeting on 24<sup>th</sup> October 2012.

**12.00 Appendix**

12.01 Appendix 1 - Response to consultation on draft guidance.

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

Draft guidance on annual reports by members.

**Contact Officer:** Peter Evans  
**Telephone:** 01352 702304  
**Email:** peter.evans@flintshire.gov.uk

