

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2.02 At its meeting on the 24 October 2012 the committee considered consultation by the Welsh Government on draft guidance on annual reports by Members. The response to consultation on that draft guidance is set out in appendix 1.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