



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

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.