

DEMOCRATIC SERVICES COMMITTEE:

19 JUNE 2013

REPORT OF THE INTERIM HEAD OF DEMOCRATIC SERVICES

AGENDA ITEM: 7

ANNUAL REPORTS BY MEMBERS OF A LOCAL AUTHORITY

Reason for this Report

1. This report outlines the final statutory guidance which has been issued by the Welsh Government on Annual Reports for Members of a Local Authority and sets out a revised template for use by those Members preparing their Annual Reports for the 2012/13 municipal year.

Background

2. On 6 December 2012, the Democratic Service Committee considered draft guidance on Annual Reports for Elected Members of a Local Authority, which had been published for consultation by the Welsh Government. On 14 February 2013, the Committee also considered a draft template for the preparation of an annual report and resolved that:
 - upon receipt of the finalised guidance from Welsh Government the Chairperson write to Group Whips requesting that the proposals be discussed at Group meetings and reported back to the Monitoring Officer within 4 to 6 weeks;"
 - a further report be brought to a future meeting of the Committee.
3. The final guidance was issued by the Welsh Government on 16 May 2013 and is attached as **Appendix A** to this report. The Democratic Services Manager wrote to Group Whips on behalf of the Chair of the Committee on 28 May 2013 enclosing a copy of this statutory guidance, requesting that they discuss this within their Groups so that they can feed back comments to this Committee.

Issues

4. Under the Local Government (Wales) Measure 2011, Local Authorities must make arrangements enabling members to produce annual reports and to publicise information about these arrangements to both members and the wider public. In addition, Local Authorities must also

make similar arrangements to enable Cabinet Members to make an additional report specifically dealing with their Cabinet activities.

5. There is no mandatory duty on Members or Cabinet Members to make an annual report on their activities.
6. The final statutory guidance issued by the Welsh Government includes some amendments to the draft guidance considered previously by the Committee. In summary, the guidance states that:
 - The Local Authority must tell its members how and when to produce annual reports.
 - The Head of Democratic Services may support Cabinet Members in preparing an annual report on their executive activities as this is not an executive function in itself.
 - The method of publishing the report is up to the authority to decide, with a minimum requirement to link the report to the individual member's page on the Council's website.
 - The report should avoid promoting political achievements, be written in the past tense and be limited to two sides of A4.
 - The Local Authority should have regard to the resource implications of supporting all members to prepare for publication of their report and may produce a standard report template which balances resources and output while taking into account the requirements of the Data Protection Act 1998.
 - The template might be expected to include:
 - role and responsibilities including membership of outside bodies;
 - constituency activity;
 - initiatives and special activities;
 - learning and development; and
 - other activities.
 - Reports should contain only factual information relating to the work of the Councillor, but not relating to their party role.
 - The previous requirement for reports to be published by June 2013 has been omitted from the final guidance.
7. A draft template for annual reports (**Appendix B**) has been developed by the Council in line with the statutory guidance in order to assist those Members who wish to prepare an annual report on their activities in the 2012/13 municipal year.

Reasons for Recommendations

8. To enable the Committee to approve a draft template for the purposes of annual reports by Members and to agree the method of publishing annual reports.

Legal Implications

9. The Local Government (Wales) Measure 2011 includes a requirement for Authorities to provide arrangements for members to make an annual report on their Council activities if they so wish. The guidance issued in connection with this requirement is at **Appendix A** and summarised in the body of this report.

Financial Implications

10. There are no financial implications arising directly from this report. Any council costs incurred as a result in enabling members to produce annual reports will need to be found from within existing resources.

RECOMMENDATIONS

The Committee is recommended to:

1. consider comments provided by the Group Whips;
2. approve the annual report template, as set out in **Appendix B** to this report, which has been developed in line with the statutory guidance; and
3. agree that Annual Reports by individual Members will be published on their respective pages of the Council's website, with hard copies being made available at Cardiff Central Library.

ANDREW KERR
INTERIM HEAD OF DEMOCRATIC SERVICES
13 June 2013

The following appendices are attached to this report:

APPENDIX A: Statutory Guidance from the Local Government (Wales)
Measure 2011 – Section 5: Annual Reports

APPENDIX B: Annual Report Template



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

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.

APPENDIX B



CARDIFF COUNCIL **Annual Report for Elected Members**

This is the report by the Councillor below regarding their key activities over the municipal year ending 30th April 2012. It is provided for the information of all constituents and for no other purpose.

Completion instructions:

*Councillors are free to include as much or as little information as they wish in each section, however the report is to be kept to this **2 page (maximum)** format.*

Councillor:

Party:

Ward:

Section 1: Role & Responsibilities

* figures supplied by Cardiff Council

** figures supplied by Councillor

Section 2: Constituency Activity

APPENDIX B

Section 3: Initiatives and Special Activities

Section 4: Learning & Development

Section 5: Other Activities and Issues

Signature of Councillor:

Date: