

Pecyn Dogfen Gyhoeddus



Swyddog Cyswllt:
Sharon Thomas / 01352 702324
sharon.b.thomas@flintshire.gov.uk

At: Edward Michael Hughes (Cadeirydd)

Cynghorwyr: Patrick Heesom, Paul Johnson ac Arnold Woolley

Aelodau Cyfetholedig:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes a
Kenneth Molyneux

3 Ebrill 2018

Annwyl Gynghorydd

Fe'ch gwahoddir i fynychu cyfarfod Pwyllgor Safonau a gynhelir yn 6.30 pm
Dydd Llun, 9fed Ebrill, 2018 yn Ystafell Bwyllgor Clwyd, Neuadd y Sir, Yr Wyddgrug
CH7 6NA i ystyried yr eitemau canlynol

**Bydd y sesiwn hyfforddiant ar gyfer aelodau'r Pwyllgor Safonau yn cael ei
chynnal o 6.00pm tan 6.30pm**

R H A G L E N

1 YMDDIHEURIADAU

Pwrpas: I dderbyn unrhyw ymddiheuriadau.

2 DATGAN CYSYLLTIAD (GAN GYNNWYS DATGANIADAU CHWIPIO)

Pwrpas: I dderbyn unrhyw ddatganiad o gysylltiad a chynghori'r Aelodau
yn unol a hynny.

3 COFNODION (Tudalennau 3 - 10)

Pwrpas: I gadarnhau, fel cofnod cywir gofnodion y cyfarfod ar 5 Mawrth
2018.

4 GODDEFEBAU

Pwrpas: Derbyn unrhyw geisiadau am oddefebau.

5 YMWELD Â CHYNGHORAU TREF A CHYMUNED (Tudalennau 11 - 22)

Pwrpas: Hysbysu Aelodau o drefniadau ymarferol ac ariannol ymweld â Chynghorau Tref a Chymuned.

6 ADRODDIADAU BLYNYDDOL CYNGHORWYR (Tudalennau 23 - 32)

Pwrpas: Cymeradwyo fformat yr adroddiadau blynyddol cyn anfon nodyn atgoffa at Aelodau ynglŷn â'r cyfle i gael copi o'u hadroddiadau ar wefan y Cyngor.

7 RHAGLEN GWAITH I'R DYFODOL (Tudalennau 33 - 34)

Pwrpas: Er mwyn i'r Pwyllgor ystyried testunau i'w cynnwys ar y Rhaglen Gwaith i'r Dyfodol.

Yn gywir



Robert Robins
Rheolwr Gwasanaethau Democrataidd

Eitem ar gyfer y Rhaglen 3

STANDARDS COMMITTEE **5 MARCH 2018**

Minutes of the meeting of the Standards Committee of Flintshire County Council held at County Hall, Mold on Monday, 5 March 2018

PRESENT: Edward Hughes (Chairman)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted members:

Rob Dewey, Jonathan Duggan-Keen, Phillipa Earlam, Julia Hughes and Ken Molyneux

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Democratic Services Officer

59. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None.

60. MINUTES

The minutes of the meeting held on 5 February 2018 were submitted.

Mrs. Phillipa Earlam pointed out an inaccuracy in her name under the Dispensations item.

RESOLVED:

That subject to the amendment, the minutes be approved and signed by the Chairman as a correct record.

61. DISPENSATIONS

The Deputy Monitoring Officer provided background information on two dispensation requests from County Councillor Mike Peers received after publication of the agenda. He clarified that Councillor Peers was not the local Member on the applications.

Councillor Heesom indicated that he did not wish to participate on the item as he was a member of the Planning Committee.

Planning applications 057514 and 057295 at Hawkesbury Hall, Buckley

It was explained that Councillor Peers was a member of the Hawkesbury Community Centre management committee and a member of the Planning Committee which was due to consider the applications later in the week. His request was to take part in the debate to raise concerns about restricted access by emergency vehicles to nearby facilities and to vote.

Councillor Woolley explained that whilst he had some knowledge about the building, he had no vested interest on the applications.

Mr. Rob Dewey questioned the reason for Councillor Peers citing paragraph (c) relating to potential political balance implications, in addition to paragraphs (e) and (f). The Monitoring Officer advised that Councillor Peers may have felt that there could be an issue, given the Planning Committee quorum arrangements in Wales and that the Committee could consider whether or not to include paragraph (c) as the basis for the decision.

The Chairman recalled that the Committee had not granted voting rights on past similar dispensations. He asked if the Committee wished to grant permission to speak and communicate in writing but not to vote. This was supported by the Committee.

The Deputy Monitoring Officer asked for clarification on the time which Councillor Peers would be permitted to speak under the dispensation, as he was entitled to speak for three minutes in any case. Councillor Woolley spoke in support of granting five minutes' speaking time due to the complex issues involved in the application.

The Chairman asked if the Committee wished to grant dispensation under paragraphs (e) and (f) only, to speak for five minutes and communicate in writing with officers, but to leave the meeting before the vote. The dispensation would apply for 12 months and include similar applications as deemed by the Monitoring Officer.

On being put to the vote, this was agreed. Councillor Heesom asked that his decision to abstain be recorded in the minutes.

Planning application 057689 at Alltami Road, Buckley

As a member of the Planning Committee, Councillor Peers was seeking dispensation to speak and vote on the application which, if approved, would result in a financial contributions towards education at the Mountain Lane Primary School where he was Chair of Governors.

The Monitoring Officer drew comparison with an application submitted in 2014 by former Councillor Alison Halford, where dispensation had been granted to speak, vote and communicate in writing. That determination had been made on the basis that the relevant school stood to benefit rather than Councillor Halford. The published decision did not indicate the length of time given to speak. In respect of the current application, Councillor Peers would be able to speak for three minutes, the same as a member of the public, unless the Committee agreed on five minutes.

Mr. Dewey queried the relevant paragraphs under which dispensation was being sought but indicated that he would support granting dispensation without voting as the organisation that Councillor Peers represented stood to benefit. This was seconded by Councillor Woolley.

During discussion, the Monitoring Officer gave clarification on educational financial contributions arising from planning applications.

The Chairman asked if the Committee wished to grant dispensation under paragraphs (e) and (f) only, to speak for five minutes and communicate in writing with officers, but to leave the meeting before the vote. The dispensation would apply for 12 months and include similar applications as deemed by the Monitoring Officer.

On being put to the vote, this was agreed by the Committee. Councillor Heesom asked that his decision to abstain be recorded in the minutes.

RESOLVED:

- (a) That County Councillor Mike Peers be granted dispensation under paragraphs (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak for five minutes at Planning Committee and make written representations on planning applications 057514 and 057295, or any application which, in the opinion of the Monitoring Officer, is similar. Councillor Peers is to leave the meeting after speaking, before the application is debated and voted on. The dispensation to be granted for 12 months, ceasing on 5 March 2019; and
- (b) That County Councillor Mike Peers be granted dispensation under paragraphs (e) and (f) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak for five minutes at Planning Committee and make written representations on planning application 057689, or any application which, in the opinion of the Monitoring Officer, is similar. Councillor Peers is to leave the meeting after speaking, before the application is debated and voted on. The dispensation to be granted for 12 months, ceasing on 5 March 2019.

62. VISITS TO TOWN AND COMMUNITY COUNCILS

The Monitoring Officer presented a report to consider the approach for independent members of the Committee to undertake visits to Town and Community Councils, as suggested at the January meeting. Following communication with Town and Community Councils, only one Town Council had responded to welcome the visits. On that basis, members were asked to consider whether they wished to defer the item pending further consultation or to proceed and consider the draft guidelines in the report.

Councillor Woolley proposed that the Committee accept the recommendation and guidelines as set out in the report. This was seconded by Councillor Heesom.

Mrs. Julia Hughes explained that the aim of the visits was to help improve standards and ensure that members of the public had good access to their local meetings. The practice operated by a neighbouring council was not to pre-publish a rota for the visits but for participating independent members to be provided with a list of council meeting dates. They would then contact the Clerks and introduce themselves, explaining their intention to attend a meeting to observe rather than participate (the same as a member of the public) and leave the meeting prior to any

exempt items. In the event that the member was asked to introduce themselves, a common script was used to explain the purpose of the visit in raising awareness of the Code of Conduct and supporting councils to understand their obligations. Generic verbal feedback would be regularly reported to the Standards Committee on issues such as access to agendas, procedural matters, member participation, giving examples of good practice and highlighting training needs.

Mrs. Phillipa Earlam suggested the publication of a checklist to show transparency but Councillor Johnson was concerned that this could be interpreted as an inspection. He felt it was important to promote the visits as working in partnership with Town and Community Councils and went on to ask if there would be a conflict of interest for Members of the Committee who were also on Town and Community Councils. The Monitoring Officer advised that Members who were dual-hatted would not need to declare a personal interest.

The Monitoring Officer suggested that he write to Clerks to explain the nature of the visits in taking notes of perceptions and looking at processes leading to good ethical behaviour which were within the remit of the Committee.

Members discussed how feedback should be reported to the Committee. Mrs. Hughes felt that verbal feedback should be generic, with the key points included in the minutes which were a public document. Mr. Rob Dewey said that feedback could indicate the number of councils visited along with the main findings.

Councillor Johnson suggested that the approach taken by the neighbouring council could be observed and adapted for Flintshire use. It was pointed out that members were able to view the published minutes of that council to see how verbal feedback was reported.

Mrs. Hughes proposed an amendment to the substantive motion from Councillor Woolley that the rota for visits not be published and for Town and Community Councils to be notified individually by members undertaking the visits. This was seconded by Mr. Ken Molyneux. It was noted that this would need to be clarified in the guidelines set out in the report, which had been agreed by the Committee. On being put to the vote, the amendment was carried.

Following further discussion, the Monitoring Officer summarised the views in that no feedback would be given by the independent members during the visits and that verbal feedback would be reported to the Standards Committee so that comments could be approved before submitting to Town and Community Councils. This further amendment was proposed by Mr. Dewey and seconded by Councillor Woolley. On being put to the vote, this was carried.

The motion put forward by Councillor Woolley, as amended, was put to the vote and carried.

Councillor Johnson asked whether the visits were subject to the payment allowance scheme for co-opted members. Following discussion, Councillor Heesom proposed that the officers report back on the financial implications and this was supported by the Committee.

RESOLVED:

- (a) That the guidelines in paragraph 1.03 the report be amended to reflect that:
- Independent members of the Committee wishing to participate be provided with meeting dates and contact details to enable them to notify Clerks in advance of visits;
 - a rota of visits is not to be published;
 - that the member should advise the Clerk to the council of his/her intention to visit a specific meeting;
 - that each attendee introduces themselves to the Clerk when they arrive at the meeting and then takes a seat in the public gallery;
 - that the attendee should not speak at the meeting unless invited to do so, and should only explain the nature and purpose of the programme of visits;
 - that the attendee should decline to give specific advice on matters under the code such as declaring interests, and should refer any such requests to the Clerk, Monitoring Officer or Deputy Monitoring Officer instead;
 - Verbal feedback to be reported to the Committee to enable comments to be approved before submitting to Town and Community Councils; and
- (b) That the Committee receive a report from officers on the financial implications of making the visits an official duty for the purposes of co-opted member allowances.

63. OVERVIEW OF ETHICAL COMPLAINTS

The Monitoring Officer presented a report on complaints of alleged breaches of the members' code of conduct submitted to the Public Services Ombudsman for Wales (PSOW). A total of nine complaints had been received in 2016/17 and two received in 2017/18 to date.

As the report was to be a regular feature on the Forward Work Programme, Mrs. Julia Hughes asked if it could be enhanced to indicate the Authority, source of the complaint and PSOW outcome, as a result of which the report would need to be considered in closed session.

Councillor Heesom felt that information in the report could be expanded whilst retaining it as a public document. This view was supported by Councillor Woolley.

The Monitoring Officer suggested the report could indicate Town or Community Council '1', '2' etc, and Member 'a', 'b', etc, to differentiate the type of council and complainant without identifying them. On being put to the vote, this was carried.

RESOLVED:

- (a) That the number and types of complaints be noted; and
- (b) That future reports provide clarity on different councils and members using numbers and letters to differentiate them without identifying.

64. PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW) CASEBOOK

The Deputy Monitoring Officer provided an overview of the outcomes of complaints investigated by the Public Services Ombudsman for Wales (PSOW) as shown in the most recent edition of the Ombudsman's Casebook. A link to the Casebook had been included on the agenda for information.

65. MEETING OF THE NORTH WALES STANDARDS COMMITTEES FORUM

The Monitoring Officer agreed to advise the Committee of the agreed date of the next meeting of the Forum due to take place in May at Gwynedd Council. Although it was the usual practice for Chairs and Vice-Chairs of Standards Committees to be invited, all members of the host authority were able to attend if they wished.

The Chairman invited members to suggest agenda topics for the meeting.

Mrs. Phillipa Earlam referred to discussion at the previous meeting and requested an item on practices/protocols on social media operated by other councils.

RESOLVED:

- (a) That the Monitoring Officer advise the Committee of the date of the meeting; and
- (b) That the Monitoring Officer submit an agenda item to consult on social media practices/protocols operated by other councils.

66. FORWARD WORK PROGRAMME

The programme of training sessions indicated by the Deputy Monitoring Officer prior to the start of the meeting would be scheduled.

The Monitoring Officer referred to discussion on the social media protocol at the previous meeting and advised that feedback was being sought from the relevant officers before submitting comments to the Welsh Local Government Association (WLGA). An item on the outcome of updated WLGA guidance would be reported to a future meeting.

Councillor Heesom asked that the Monitoring Officer keep the Committee advised of any future implications arising from changes on information security.

As a point of accuracy, it was noted that the North Wales Standards Committees Forum would be hosted by Gwynedd Council.

RESOLVED:

That the Forward Work Programme be updated.

67. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the public in attendance.

(The meeting started at 6.30pm and ended at 8.10pm)

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Chairman

Mae'r dudalen hon yn wag yn bwrpasol

Eitem ar gyfer y Rhaglen 5



STANDARDS COMMITTEE

Date of Meeting	Monday, 9 th April 2018
Report Subject	Visits to Town and Community Councils
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

At its March meeting the committee resolved to undertake visits to Town and Community Councils within the county. As part of the discussion, Members asked for a further report on the potential financial consequences of such visits.

The payment of allowances and expenses to Members is overseen by the Independent Remuneration Panel for Wales (“IRPW”), which can stipulate whether a function should be remunerated and, if so, the amount. The IRPW says that Councils should pay Independent Members for attending meetings, training sessions and the like. However, the IRPW rules do not permit Independent Members to be paid for attending other Councils as observers other than expenses.

RECOMMENDATIONS

1	That Members undertaking observational visits to Town and Community Councils be able to claim travel expenses for doing so.
2	That Members note the suggested “toolkit” for undertaking such visits.

REPORT DETAILS

1.00	VISITS TO OTHER COUNCILS
1.01	The Local Government Wales Measure 2011 sets out the powers of the Independent Remuneration Panel for Wales (IRPW) to set the activities for which Members (including co-optees such as Independent Members) should be remunerated and at what level.

1.02	<p>The authorised meetings and events eligible to receive an attendance allowance are:</p> <ul style="list-style-type: none"> • Formal meetings of the committee on which the claimant is a voting member. <p><i>For Standards Committee members these are the formal meetings of the Standards Committee.</i></p> <ul style="list-style-type: none"> • Training events, conferences, regional or sub-regional meetings where a lay-member's attendance has been requested and therefore authorised by the Council. • Official pre-meeting briefings with the committee or officers to discuss the committee's business. • Attendance on behalf of the Council at the North Wales Standards Committee Forum. <p>From this list it will be seen that attending as an observer at Town and Community Councils is not included.</p>
1.03	<p>The Council has slightly more flexibility in respect of travelling expenses which it pays at 45p per mile. The Council is therefore able to pay for Members' travelling expenses. The current budget of circa £15,200 is routinely underspent and the money is therefore available to fund such payments. A copy of an expenses claim form is attached as Appendix A and copies will be given to co-opted members.</p>
1.04	<p>Officers will need to monitor expenses claims to ensure that they remain within budget. As there is no fixed timetable for visiting Town and Community Councils it will be possible to delay meetings until a subsequent financial year should the current year's travel budget be used up.</p>
1.05	<p>On attendance at authorised meetings outlined in 1.02 above, previous practice has been for the representative from Committee Services to automatically process a claim for attendance for co-opted members. A form has now been produced that is appended to this report as Appendix B, copies of which will be given to co-opted members, for them to complete following attendance at meetings. Following receipt of those forms, details will be checked and details passed to the payroll section.</p>
1.06	<p>Following recent guidance from the IRPW, the Democratic Services Manager agreed that a two hour time limit could be claimed for preparation of meetings. However, following feedback this has been revised and one hour preparation time is now the guide. The budget for attendance at meetings by co-opted members is £7,171 with an actual spend of £10,537 as at month 11.</p>
1.07	<p>Following last month's meeting, a suggested toolkit for undertaking such visits has been prepared and is attached as Appendix C.</p>

2.00	RESOURCE IMPLICATIONS
2.01	See above.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None required.

4.00	RISK MANAGEMENT
4.01	None.

5.00	APPENDICES
5.01	Appendix A – Mileage claim form. Appendix B – Attendance allowance claim form. Appendix C – Toolkit

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None.

Mae'r dudalen hon yn wag yn bwrpasol

**CAIS AM LWFANS
AELODAU CYFETHOLEDIG
CYNGOR SIR Y FFLINT**

**EXPENSES CLAIM
CO-OPTED MEMBERS
FLINTSHIRE COUNTY COUNCIL**

Tudalen 15

Enw a Chyfeiriad			Name and Address
Mis			Month
Wedi cael car newydd ers y cais diwethaf?	DO/NADDO	YES/NO	Have you changed your car since your last claim?
Gwneuthuriad a Model			Make and Model
Rhif Cofrestru			Registration Number
Maint Peiriant			Cubic Capacity
	Petrol <input type="checkbox"/>	Diesel <input type="checkbox"/>	LGP <input type="checkbox"/>

Rwy'n datgan:-

- (a) Bu'n rhaid i mi wario ar deithio a chynhaliaeth er mwyn fy ngalluogi i wneud dyletswyddau cymeradwy fel aelod o Cyngor Sir y Fflint
- (b) Rwyf wedi talu'r costau sy'n cael eu hawlio
- (c) Mae'r arian sy'n cael ei hawlio yn cyd-fynd yn gwbl llym efo'r taliadau a benderfynwyd gan Cyngor Sir y Fflint
- (d) Mae'r datganiadau uchod yn gywir. Nid wyf wedi hawlio ac ni wnaf hawlio, dan unrhyw ddeddfwriaeth, dreuliau neu lwfansau teithio neu gynhaliaeth mewn perthynas a'r dyletswyddau a fynegwyd uchod

I declare that:-

- (a) I have necessarily incurred expenditure on travelling and subsistence for the purpose of enabling me to perform approved duties as a member of Flintshire County Council
- (b) I have actually paid the expenses claimed
- (c) The amounts claimed are strictly in accordance with the rates determined by Flintshire County Council
- (d) The statements above are correct. I have not made and will not make any claim under any enactment for travelling or subsistence expenses or allowances in connection with the duties indicated above

Appendix A

							Cyfanswm / Total			

NODIR: Rhaid atodi derbynebaw am daliadau cynhaliaeth, taliadau teithio a chostau eraill.
NOTE: For subsistence, fares or other expenses, receipts must be attached.

Mae'r dudalen hon yn wag yn bwrpasol

CAIS AM LWFANS / ATTENDANCE ALLOWANCE
AELODAU CYFETHOLEDIG – CYNGOR SIR Y FFLINT / CO-OPTED MEMBERS – FLINTSHIRE COUNTY COUNCIL

Enw a Chyfeiriad / Name and Address:
Mis / Month:

Dyddiad Date	Enw'r Cyfarfod / Digwyddiad Name of Meeting / Event	Lleoliad / Venue	Amser / Time O / From	Amser / Time Hyd at / To	Oriau / Hours *
Tudalen 19					
CYFANSWM / TOTAL					

Rhwy'n datgan fy mod i wedi mynychu'r cyfarfod / digwyddiad fel a dangosir uchod.

Llofnod / Signature _____

Llenwch, llofnodwch ac anfonwch y ffurflen hon yn ei hon yn ei hôl i Wasanaethau Democrataidd, Neuadd y Sir, Yr Wyddgrug CH7 6NA erbyn y 10fed diwrnod o'r mis ar ôl y cyfnod a hawilir.

Y Gyfradd ar gyfer Aelodau Cyfetholedig – ffi ddyddiol £198 (£99 am ½ diwrnod)
 Y Gyfradd ar gyfer Cadeirydd Cyfetholedig – ffi ddyddiol £256 (£128 am ½ diwrnod)
 Y diffiniad o gyfarfod hanner diwrnod yw cyfarfod hyd at 4 awr

I declare that I have attended the meeting / event as detailed above.

Dyddiad / Date _____

Please complete, sign and return the form to Democratic Services, County Hall, Mold CH7 6NA by the 10th day of the month following the period of the claim.

Rate for Co-opted Members - £198 daily fee (£99 for ½ day)
 Rate for Co-opted Chairman - £256 daily fee (£128 for ½ day)
 A half day meeting is defined as up to 4 hours

Appendix B

Y diffiniad o gyfarfod llawn yw cyfarfod dros 4 awr

A full meeting is defined as over 4 hours

***Gan gynnwys unrhyw amser a hawlir am deithio a paharatoadau / Including any time claim claimed for travelling and preparation.**

TOOLKIT FOR INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE FOR UNDERTAKING VISITS TO TOWN AND COMMUNITY COUNCIL MEETINGS

NB – As the remit of the Standards Committee is to promote and maintain high standards of conduct by Councillors, including Town and Community Councillors, and in particular to promote and maintain conduct that is accordance with the Code of Conduct, visits to Town and Community Councils may assist in promoting these standards. However, it is those matters that are relevant for the purposes of reporting a Committee Member’s experience of those meetings, as opposed to matters of process and procedure surrounding how the meetings are run (e.g. whether an agenda has been publicised in accordance with the relevant legislative requirements is not a relevant matter for members of the standards committee).

Below is a list of matters that it may be useful to report back the Committee and to assist Members of the Standards Committee to take relevant notes of the meetings.

There is also a suggested introduction for members’ use if they require it.

Introduction

My name is XXXX and I am an independent member of Flintshire County Council’s Standards Committee.

I am simply here as an observer in the same way as a member of the public is able to attend the open meetings of the Council.

One of the areas that the Standards Committee focuses upon is reinforcing awareness of the Members’ Code of Conduct and we are keen to support local Councils and their members to enable them to understand their obligations under the Code and maintain high standards of conduct and to provide or organise appropriate training.

Attendance at Town and Community Council meetings is also an opportunity to raise the Committee’s profile and try to avoid being perceived as a remote body, but rather to be seen as one that is in touch with local democratic issues.

Any feedback we provide to the Standards Committee highlights the positive experiences of the meetings we have attended, as well as giving suggestions on further training that the Standards Committee may organise or propose in order to offer to support Councillors to carry out their roles in accordance with their Code of Conduct.

Unless we are specifically requested to attend a meeting by a clerk or Chair, we randomly select the community/town council meetings to attend and observe so please feel do proceed as you would normally.

Council name

Date, start time and venue

Members Present (numbers only)

Public Present (numbers only)

Were expressions of interest invited near to the start of the meeting, and before the substantive items of the agenda were considered?

How many declarations of interest were made?

Were declarations of interest clear in setting out what the interest was, and whether it was personal only or personal and prejudicial, and was the Member's intended participation in the relevant item of business made clear (e.g. that they would leave the room when the matter was debated or that they would remain and vote as the interest was personal only)?

Did the members who declared interests act in accordance with their declaration?

Meeting closed at (time)?

Additional notes/explanation or expansion on the above matters:-

Eitem ar gyfer y Rhaglen 6



STANDARDS COMMITTEE

Date of Meeting	Monday, 9 April 2018
Report Subject	Councillors' Annual Reports
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

As required by Section 5 of the Local Government (Wales) Measure 2011, the Council made arrangements for the publication of annual reports by its Members in accordance with guidance issued under the Measure (the Guidance). This matter was last reported to the Committee in February 2016 and it was resolved that a report would be brought back to the Committee by way of an update as part of its Forward Work Programme. The report makes recommendations for reminding Members of the arrangements regarding annual reports.

RECOMMENDATIONS

1	To remind Members of the Council of the arrangements for publication of annual reports by circulating, by email, the template (attached as appendix A) to this report to Members, and referring them to the Guidance; and
2	To request those Members who choose not to produce an annual report to confirm if they have produced their own newsletters and inform the Monitoring Officer of the frequency of such newsletters within the past twelve months.
3	To carry out the reminder and request set out at paragraph 1 and 2 of this recommendation on an annual basis.

REPORT DETAILS

1.00	
1.01	In February 2016 a report was taken to this Committee outlining, in summary, the following matters at paragraphs 1.02 to 1.05 of this report:
1.02	In 2012 the Council prohibited the use of Council resources for the production of Councillor newsletters.

1.03	<p>On 17 July 2013 the Democratic Services Committee resolved:</p> <p>(a) That the following conditions be imposed as part of the arrangements under Section 5 of the Local Government (Wales) Measure 2011:</p> <p>(i) That annual reports by Members must comply with the statutory guidance including the standard template referred to in paragraph 1.6 of that guidance.</p> <p>(ii) That the contents of the annual report are not defamatory in the opinion of the Council's Monitoring Officer</p> <p>(b) 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.</p>
1.04	Since July 2013 there has been little interest in, or take up of, annual reports.
1.05	By contrast, Councillors are (anecdotally) known to be regularly producing their own newsletters.
1.06	At the meeting on the 8 February 2016 the Committee, in light of the above, resolved that the current arrangements for Councillor newsletters and annual reports were sufficient and do not require amendment, and that all Councillors be asked to confirm whether they produce or contribute to newsletters or any other regular communications. It was further resolved that, as part of the Forward Works Programme, a report would be taken back to the Committee by way of an update on these matters.
1.07	However, although the Council have arrangements in place for Members to prepare annual reports, it is good practice to periodically remind Members of those arrangements. In the calendar year 2016, there were seven annual reports published on the Council's website, but no annual returns were published in 2017. As the local elections took place in 2017, it may also be a good time to remind new and returning members of the arrangements that are in place for publication by the Council of Members' Annual reports.
1.08	Circulating the Guidance and the template report by email, as a reminder to Members of those arrangements, assists the Council to make best use of the arrangements that are in place.
1.09	Requesting, in the same email, that those Members who produce their own newsletters confirm this information in response, and also confirm the frequency of such newsletters within the last 12 months, should provide clear data on the number of Councillors producing their own newsletters and their frequency.

2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	Appendix A - Template Annual Report. Appendix B – Annual Reports by Members of a Local Authority - Guidance.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	N/A Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None

Mae'r dudalen hon yn wag yn bwrpasol

ANNUAL REPORT OF:- COUNCILLOR

Membership of Internal Committees

Membership of External Bodies

Constituency Activity

Initiatives and Special Activities

Other Activities

Learning and Development

Mae'r dudalen hon yn wag yn bwrpasol

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.

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
June 2018	<ul style="list-style-type: none"> • Training • Dispensations • Review of the Members' Code of Conduct 	To review the Members' Code of Conduct as part of the Committee's programme of review of the Council's Constitution
May 2018	<ul style="list-style-type: none"> • Training • Dispensations • Town and Community Council training 	
April 2018	<ul style="list-style-type: none"> • Training • Dispensations • Update on Members' Annual Reports • Visits to Town and Community Councils 	To consider a template annual report to be circulated to members in May
March 2018	<ul style="list-style-type: none"> • Training • Dispensations • North Wales Standards Forum 	To discuss items for the agenda for the North Wales Standards Forum to be held in May 2018 and hosted by Gwynedd Council.
February 2018	<ul style="list-style-type: none"> • Training • Dispensations • Social Media Protocol • Training Governors on the Code of Conduct • Details of Training for Town and Community 	<p>To consider whether the Council needs to adopt a Social Media Protocol or whether the Guidance issued by WLGA is sufficient</p> <p>That Members who are themselves school governors ensure they are aware of their school's own code of conduct.</p>

	Councillors	To update the Committee on the training arranged and provided for Town and Community Councillors, including numbers in attendance.
January 2018	<ul style="list-style-type: none"> • Training • Dispensations • Review of Constitution 	To set a new programme for the rolling review of the document
December 2017	<ul style="list-style-type: none"> • Training • Dispensations • NW Standards Forum • Appointment of independent member • Case tribunal decision 	<p>Sentencing guidelines from the Adjudication Panel for Wales and examples from the PSOW's case book to form part of future training session(s)</p> <p>Report back from Vice Chair</p> <p>Results of panel interviews</p> <p>Report of decision on former Councillor Halford</p>