

## CYNGOR GWYNEDD - Report to Cyngor Gwynedd Cabinet



<b>Title of item:</b>	Local Government and Elections (Wales) Act 2021 - Panel Performance Assessment
<b>Cabinet Member:</b>	Cllr Dyfrig Siencyn
<b>Relevant Officer:</b>	Dewi W. Jones, Council Business Support Service Manager
<b>Date of meeting:</b>	7 November 2023

### 1. Decision Sought

Agreement on the timetable for holding a Panel Performance Assessment during the Autumn 2024 season and to commission the Welsh Local Government Association to support the work.

### 2. The reason why the Cabinet needs to make the decision:

The Local Government and Elections (Wales) Act 2021 sets a duty on Councils to conduct a Panel Performance Assessment **once** within an electoral cycle. The duty came into force in May 2022.

It is noted that the Council is free to determine who should carry out and coordinate the panel assessment and to determine its timing therefore we require guidance on this. It is required to follow three statutory duties when carrying out a panel assessment:

- Preparation (determine the scope, terms of reference, membership etc.)
- Assessment (carry out the assessment, present findings)
- Follow-up (draw-up the final report, the Council's response)

After the Full Council adopted changes to the Constitution in relation to the Panel Performance Assessment on 28 September 2023, the function of arranging and appointing a panel rests on the Cabinet but that the response to the report and the recommendations are retained by the Full Council.

Carrying out the assessment by commissioning an external body to do the work is likely to cost up to £25k.

### 3. Introduction and Rationale

#### 3.1 Background / Introduction

As noted above, the Local Government and Elections (Wales) Act 2021 makes it a duty for Councils to conduct a Panel Performance Assessment once in every electoral cycle.

This duty is connected to the duty of holding annual performance self-assessments. Similarly, the panel assessment will look specifically at the extent to which the Council:

- exercises its functions effectively;
- is using its resources economically, efficiently and effectively; and
- has robust governance arrangements in place for securing the above.

### 3.2 The reasoning and justification for recommending the decision

#### What will the assessment cover?

It will be a matter for the Council to determine the scope of the work and consider any challenges highlighted by self-assessments, audits by external auditors and matters that are on our risk register.

The assessment will consider evidence to enable panel members to reach conclusions on the degree to which the Council meets the 3 performance requirements noted above in 3.1. The following table notes the performance requirements along with the guiding principles for the requirements noted in the Draft Methodology that was recently published by the Welsh Local Government Association (WLGA). This will be followed by a series of questions under different themes that the Panel will need to consider.

<b>Performance Requirement One: The extent to which the Council operates its functions effectively.</b>
<b>Guiding Principle: The council is self-aware and able to demonstrate that it fulfils its functions in accordance with the local, regional and national context. When there is a need to improve, suitable interventions have been deployed without delay, and they should deliver the desired outcomes.</b>
<b>Considerations for the Panel</b> Questions on the themes: <ul style="list-style-type: none"> <li>• Leadership</li> <li>• Corporate Planning and Service Planning</li> <li>• Performance Management</li> </ul>
<b>Performance Requirement Two: The extent to which the council uses its resources prudently, effectively and efficiently.</b>
<b>Guiding Principle: Resources are aligned effectively to assist the council to deliver its objectives and statutory functions and the council is able to demonstrate that it ensures value for money.</b>
<b>Considerations for the Panel</b> Questions on the themes: <ul style="list-style-type: none"> <li>• Corporate Planning and Service Planning</li> <li>• Digital and Data.</li> <li>• Financial planning</li> <li>• The Workforce</li> <li>• Procurement</li> <li>• Risk and Assurance</li> <li>• Assets</li> </ul>

**Performance Requirement Three: The extent to which the council has effective governance in place to ensure performance requirements one and two.**

**Guiding Principle: There are clear and robust governance arrangements, which encourage an open and transparent culture that welcomes scrutiny and constructive challenge processes.**

**Considerations for the Panel**

Questions on the themes:

- Appraisal
- Leadership
- Organisational culture
- Financial Governance
- The Ability to Improve

The assessment will be a combination of desk-top work and on-site interviews and work. As part of the assessment it is possible that the Panel will be eager to meet with a wide range of members, officers and stake-holders such as the Leader, All Cabinet Members, Chief Executive, Director, Heads of Department, various Focus Groups and officers from partner organisations.

It is noted that the Council is not expected to prepare any additional material for the assessment but the panel will require access to a number of information sources and documents that already exist. There is a list of documents that is likely to include the Council Plan (current and previous), annual statutory reports created by the Council for the last three years, including Annual Performance Reports, Self-assessment Report, Annual Governance Statement, Social Services Annual Report, External Audit and Regulation Reports (for the last three years) and the Medium Term Financial Plan.

During the assessment daily feedback will be provided to the Chief Executive and Leader on the progress of the work.

At the end of the assessment there will be a presentation on the main findings and the recommendations will be submitted. Additionally, a written report will be submitted (where there will be an opportunity for the Council to verify its factual accuracy) and the Council is responsible for publishing the final report.

There will also be a need for the Council to prepare a response to the report and recommendations as noted in the statutory guidance.

**The panel and the timing of the review**

The number of members on the panel is to be determined by the Council but is likely to include 4-6 people. There will be a need to include an independent Chair, counterparts from the broader public, private or voluntary sectors, senior local government officer who is currently in post (Chief Executive or Director level) and a senior elected member (from outside the Council).

It is anticipated that a time commitment of up to 8 working days will be required for the Chair of the Panel and 6 working days for the remainder of the members.

The Cabinet will be responsible for establishing the terms of reference for the assessment and deciding on the nominations for the Panel. There is an option to commission the Welsh Local Government Association (WLGA) to support this work by helping to find a suitable panel of peers and also provide an Improvement Officer to support and facilitate the panel's work throughout the Panel Performance Assessment process. It is anticipated that the associated costs will be approximately **£22,000 to £24,000** (Figure for 2023/24) (Panel of 4-6 members supported by an Improvement Officer). An officer within the Council will need to be nominated as a point of contact.

The other option would be to arrange and coordinate the assessment ourselves and identify suitable members for the Panel. This would have resource implications in terms of officers' time in preparing, coordinating and holding the assessment along with costs for members of the panel.

It is believed that the support offered by the WLGA offers value for money and ensures that we are also conducting an assessment that is consistent with other authorities. Currently, the majority of Welsh authorities have noted their intention to use the support that has been offered. They will also have access to a pool of suitable people to be members of the panel.

We have received assurance from the WLGA that the Panel members for Gwynedd will be able to speak Welsh (although it is likely that there will be much fewer prospective members). The Improvement Officer will also be a Welsh-speaker.

It is a matter for the Council to determine when it is suitable to carry out the review but it must be held once during an electoral cycle which means that we will need to conduct one before May 2027.

The Management Team and the Cabinet have already held informal discussions on the matter during the summer months and they suggest holding the assessment during the **autumn of 2024** and to commission the WLGA to coordinate and facilitate the work. We will have prepared 3 or 4 self-assessments by that point and this should give us sufficient opportunity to hold the assessment and respond to any recommendations before the next local government elections.

### **3.3 Next steps**

After receiving confirmation of the timetable and who should carry out and coordinate the work we will make the arrangements to hold the panel assessment and form a detailed work programme.

## **4. Views of the Statutory Officers**

### **4.1 Chief Finance Officer**

It is seen from the report that this work may cost the Council up to £25,000 and I am not aware of any direct financial contribution in the form of a grant that would fund the work. However, I believe that commissioning the work by the Welsh Local Government

Association is likely to give the Council more value for money than trying to use internal resources to undertake this statutory work given the workload of officers, which is very likely to increase over the next few years. I have therefore no objection to the decision sought.”

#### **4.2 Monitoring Officer**

The report represents the first practical step in undertaking a panel performance assessment, part of the new arrangements which came into force under the Local Government and Elections ( Wales ) Act 2021. The Constitution has been amended to allocate these arrangements to the Cabinet and the recommendations appropriately allow for the work to commence.