

CYNGOR GWYNEDD - Report to Cyngor Gwynedd Cabinet

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| Title of item: | Local Government and Elections (Wales) Act 2021 - Panel Performance Assessment |
| Cabinet Member: | Cllr. Dyfrig Siencyn |
| Relevant officer: | Dewi Wyn Jones, The Council's Business Support Service Manager |
| Date of meeting: | 17 September 2024 |

1. Decision Sought:

- Approve the contents of the draft Panel Performance Assessment Scoping Document and the areas identified for the Panel to look at.
- Delegate the right to determine membership of the Panel while heeding the advice of WLGA to the Leader in consultation with the Chief Executive.

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.

The Council is expected to prepare a scoping document identifying the areas they want the Panel to look at.

3. Introduction and Rationale

3.1 Background / Introduction

As noted above the Local Government and Elections (Wales) Act sets a duty on Councils to conduct a Panel Performance Assessment once within an electoral cycle.

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.

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.

At its meeting on 7th November 2023 the Cabinet decided to undertake a Panel Performance Assessment during the Autumn term 2024 and commissioned the Welsh Local Government Association (WLGA) to support the work.

3.2 What will the Panel Performance 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. The following table notes the performance requirements along with the guiding principles for the requirements noted in the Draft Methodology that was 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.

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| Performance Requirement One: The extent to which the Council operates its functions effectively. |
| 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. |
| Considerations for the Panel Questions on the themes: <ul style="list-style-type: none"> • Leadership • Corporate Planning and Service Planning • Performance Management |
| Performance Requirement Two: The extent to which the council uses its resources prudently, effectively and efficiently. |
| 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. |
| Considerations for the Panel Questions on the themes: <ul style="list-style-type: none"> • Corporate Planning and Service Planning • Digital and Data. • Financial planning • The Workforce • Procurement |

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| <ul style="list-style-type: none"> • Risk and Assurance • Assets |
| <p>Performance Requirement Three: The extent to which the council has effective governance in place to ensure performance requirements one and two.</p> |
| <p>Guiding Principle: There are clear and robust governance arrangements, which encourage an open and transparent culture that welcomes scrutiny and constructive challenge processes.</p> |
| <p>Considerations for the Panel</p> <p>Questions on the themes:</p> <ul style="list-style-type: none"> • Appraisal • Leadership • Organisational culture • Financial Governance • The Ability to Improve |

In addition, there is an opportunity for the Council to identify areas where Panel consideration would be welcome. As an initial step the Council's Governance Group (which includes the Corporate Director, Monitoring Officer, Section 151 Officer, Head of Corporate Support, Assistant Head of Corporate Support, Risk & Insurance Manager and Council Business Support Service Manager) have identified the following possible areas:

- Conduct an assessment of the core issues within the requirements of the Act:
 - Effectively implement its functions
 - Uses its resources prudently, efficiently and effectively; and
 - Effective governance arrangements in place to ensure the above
- Look at the extent to which the culture of the Council and our way of working (Ffordd Gwynedd) has permeated within the organisation and the difference it has made.
- Capacity/ability to be delivering on our priorities into the future – are resources aligned with our priorities?
- Organisational leadership and governance – how effective is this politically and managerially and is it supported by strong governance and decision making? Do they allow the Council to meet challenges with change and transformation to meet the challenges?
- Do we have suitable arrangements in place to measure how we deliver services to customers/residents?
- To what extent have we incorporated the requirements of the Well-being of Future Generations Act into our work?
- Council self-assessments and arrangements to respond to the issues that need improvement.
- Test the effectiveness of our plans or projects within the current Council Plan

This list was presented to the Governance and Audit Committee at their meeting on 23rd May 2024 seeking comments and recommendations on the potential areas. They suggested that the following should be added (which has been added to the draft scope document):

- Looking at our work and plans in the areas of workforce planning, succession planning and managerial continuity and suggesting any improvements

A draft copy of the Scoping Document can be found for the Statutory Panel Performance Assessment in **Appendix 1**.

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 such as the Annual Performance Reports, Self-assessment Report and Annual Governance Statement.

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.

3.3 The Panel and timing of the review

As previously mentioned, the decision has already been taken to carry out an assessment during the October 2024 term commissioning WLGA to co-ordinate and facilitate the work. We will have prepared 3 self-assessments by then and it should give us ample opportunity to carry out the assessment and respond to any recommendations before the next local government elections.

The panel is likely to include 4 people which will include an independent Chair; counterparts from the broader public, private or voluntary sectors; a senior local government officer who is currently in post (Chief Executive or Director level) and a senior elected member (from outside the Council).

Initial discussions have been held with the WLGA regarding proposed members for the Panel with some potential members identified who have the expertise and skills required. It is anticipated that we will be able to decide on members for the Panel within the next few weeks.

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.

Preparatory work will take place before then to gather all necessary documents and plan for the Panel's period 'on-site' with the Council. This will probably be a week-long period during November (tbc) when they are keen to conduct interviews/breakout sessions with elected members and key officials.

3.4 Next steps

Following Cabinet approval for the Statutory Panel Performance Assessment Scoping Document we will inform the Welsh Local Government Association so that they can move forward with the work. Over the following weeks we will decide on panel members and confirm the arrangements and timetable for the review to take place.

4. Views of the Statutory Officers

4.1 Chief Finance Officer

Conducting a panel assessment as described in the report is a statutory requirement. I have no comments to add from the perspective of financial propriety.

4.2 Monitoring Officer

These steps complete preparations to conduct the first Panel assessment for Cyngor Gwynedd which represents one main element of the new performance regime created in Part 6 of the Local Government and Elections (Wales) Act 2021. I can confirm that the modifications to the Constitution set out in the report are in effect. The report rightly notes that the Cabinet confirms the terms of reference. Due to practicalities and timing it's inevitable that the final confirmation of the Panel's membership is delegated. I refer to the role of the Welsh Local Government Association in offering and advising on the membership of the Panel.

List of Appendices:

Appendix 1 - Statutory Panel Performance Assessment Scoping Document