

MEETING	Audit and Governance Committee
DATE	23 May 2024
TITLE	Local Government and Elections (Wales) Act 2021 - Panel Performance Assessment
PURPOSE	Update the Committee on the work of undertaking a Panel Performance Assessment within the Council and provide an opportunity to feed into the scoping document and identify potential areas for the Panel to look at.
RECOMMENDATION	Members are asked to consider the report submitted offering any comments and recommendations with a particular focus on the potential areas for the Panel to look at.
AUTHOR	Dewi W. Jones, Council Business Support Service Manager

1. BACKGROUND

1.1 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.

1.2 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)

1.3 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.

1.4 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.

1.5 At its meeting on 7th November 2023 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.

2. WHAT WILL THE PANEL PERFORMANCE ASSESSMENT COVER?

- 2.1 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.
- 2.2 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 1.4. 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.

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 • Risk and Assurance • Assets
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: <ul style="list-style-type: none"> • Appraisal • Leadership • Organisational culture • Financial Governance • The Ability to Improve

- 2.3 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

2.4 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.

2.5 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.

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

2.7 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.

2.8 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. THE PANEL AND THE TIMING OF THE REVIEW

- 3.1 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).
- 3.2 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.
- 3.3 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. An officer within the Council will need to be nominated as a point of contact.
- 3.4 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.
- 3.5 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.
- 3.6 The Cabinet decided to undertake the assessment during the **autumn of 2024** and to commission the WLGA to coordinate and facilitate the work. We will have prepared 3 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.

4. NEXT STEPS

- 4.1 Over the coming weeks the scoping document for the assessment will be ratified in collaboration with the WLGA. Any comments or suggestions from the Committee on potential areas for the Panel to look at will be considered by Cabinet before a final scoping document is agreed.
- 4.2 It is anticipated that Cabinet will agree the final scoping document during July. Following this it is intended to identify and confirm panel members over the summer before the review takes place in the Autumn.
- 4.3 The final report and recommendations along with the Council's response will be presented to this Committee in late 2024/early 2025.