

Appendix 1 – Newport City Council’s Response to Welsh Government Consultation

Draft Statutory Guidance (Performance and Governance of Principal Councils)

The Welsh Government are inviting views on the **draft statutory guidance** and the eight consultation questions below. Below is the Council’s response to the consultation questions.

Consultation Question One: Does the draft guidance make it clear what is expected of principal councils as set out in the provisions of Part 6 of the Local Government and Elections (Wales) Bill in a way that can be understood by principal councils? If not, why not?

- Overall the document has set out clearly the new requirements for councils to implement as part of the Bill.
- The Guidance helps support and demonstrate how the Act ensures principal councils are performing against its corporate objectives and meeting the requirements of the Wellbeing for Future Generations Act and the Socio-economic Duty.
- We welcome that the guidance allows flexibility for Councils to set out how to implement the new requirements that will meet its own governance arrangements.
- It provides a clear overview of the expected roles and responsibilities and considers how these assurance activities, governance arrangements can complement the overall process.
- Whilst the guidance has provided some clarity, to support councils in implementing the guidance it would be beneficial for WG or Audit Wales to provide examples or help guide as to what expected best practice could look like for principal councils. This will enable consistency across local authorities.
- The Guidance refers to the Governance and Audit Committee in a number of sections of the guidance. It might be useful to reference links to the new Governance and Audit Committee requirements in the Bill.

Q2: Does Chapter 2 of the guidance set out the performance requirements and the duty to keep performance under review sufficiently clearly? If not, what would you add or change?

- The guidance has provided a useful overview of the requirements of councils to undertake self-assessments.
- We welcome the flexibility for councils to implement the new requirements to align with its own governance arrangements.
- The guidance states that self-assessment reports should be *‘made as soon as reasonably practicable after the financial year to which it relates’*.
 - It may be useful to add what Welsh Government or Audit Wales would consider a reasonable length of time for this to be produced by considering it is indicating significant level of involvement with wide range of partners, members of the public and trade unions.
 - For many Council’s, the challenge will be how to align many of the existing annual reports e.g. Corporate Annual Reports, equalities annual reports etc as these are often drafted and reported at different times of the year.

Q3: Does Chapter 2 of the guidance explain how a council could meet the requirement to undertake self-assessment in order to fulfil its duties? If not, what would you add or change?

- The draft guidance has provided some useful examples of what the Self-Assessment can consider in the drafting and publication of the report.
- As stated in Question 2 above, the guidance could be enhanced to include what would be considered ‘reasonable timescale’ to produce the Assessments.
 - Whilst it states that the self-assessment can be completed as part of the Council’s own review of progress against its Wellbeing Objectives (Corporate Annual Report).
 - At present councils have until 30th October to complete this requirement. Will this be expected to be produced earlier in line with the Bill?
- Whilst the guidance provides flexibility for Council’s to implement Self-Assessments the guidance is encouraging Councils not to just undertake the minimum requirements set in the Bill.
 - However, Council’s may find it a challenge in the first couple of years as many different council services are responsible for drafting different council reports / assessments of performance at different points of the year.

- The involvement of other stakeholder's e.g. local public partnership / joint venture groups could lengthen the timescale for delivering the assessment.

Q4: Does Chapter 3 of the guidance make the minimum requirements for principal councils to arrange and respond to a panel performance assessment clear, as well as provide sufficient flexibility for each council to determine its own approach? If not, what would you add or change?

- We welcome the flexibility for councils to determine and engage a panel to deliver the assessments as one form of the peer review.
- It would be beneficial for councils to have draft scope / terms of reference for the Council to refer.
- We also welcome the guidance acknowledging the combination / timing of reviews in line with Wellbeing reviews and External Audit Reviews.

Q5: Chapter 4 outlines the Auditor General for Wales' powers to carry out a special inspection, and the duties of principal councils and Welsh Ministers to respond to any recommendations. Chapter 5 describes the powers and duties for both Welsh Ministers and councils in relation to supporting and assisting with improving performance; and powers for intervention by Welsh Ministers.

Do Chapters 4 and 5 sufficiently describe and explain these powers? If not, what would you add or change?

- Chapters 4 and 5 outline the powers of the Auditor General and Welsh Ministers, but further or more specific information, examples or markers to indicate when their intervention is likely to be required would be useful (Bill includes when and how but not why).
- When would council be considered to not be meeting standards? What would be considered significant problems?
- As councils will be responsible for setting up their own approach to performance standards – there is no mention of how the standards will be agreed in order to understand when council may be failing or falling short.
- Notice to inspect does not need to cover all matters for inspection – is this acceptable?
- Councils supporting other councils – resources including time and staff to be considered.
- How will AW and WG support and assistance be measured, monitored prior to intervention?

Q6: We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

- The Council welcomes the approach outlined in the guidance for the Welsh Language to be integral to the process and also to be inclusive for people wanting to use Welsh in the process.
- For city council's such as Newport, the demographic is diverse and includes many communities whose first language is not Welsh or English. The guidance should encourage principal councils to involve communities and representatives from all backgrounds and languages to participate in process and should try not to have any barriers that could prevent people from taking part.

Q7: Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language, and ensure there are no adverse effects on opportunities for people to use the Welsh language.

- The Guidance should be made available in all formats / media in Welsh and English. It should also consider Welsh speakers that have a visual impairment or are deaf.
- The guidance should make it a requirement for all reports, documents and any other information used in the process to be available in Welsh and English.

Q8: We have asked a number of specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please enter here.