

# Report

## Cabinet

---

### Part 1

Date: 15 December 2021

**Subject** **Audit Wales – Audit of Newport City Council’s Assessment of 2020/21 performance**

**Purpose** To present Cabinet with the Audit Wales assessment of 2020/21 performance certificate. The certificate confirms that the Council has discharged its duties under sections 15(2), (3), (8) and (9) of the Local Government (Wales) Measure 2009.

**Author** Director of Transformation and Corporate Centre

**Ward** All

**Summary** As part of the programme of regulatory activity in accordance with the Local Government Measure 2009, the Auditor General is required to issue Certificate of Compliance to demonstrate that Council is discharging its duties under the Measure. This is the second certificate following the publication of the Council’s Annual Report 2020/21 by 31<sup>st</sup> October.

This will be the final Certificate of Compliance issued by Audit Wales following the introduction of the new Local Government and Elections (Wales) Act 2021. Further confirmation is due to be provided by Audit Wales on how they will assess the Council’s performance and governance under the new Act.

**Proposal** Cabinet is requested to note the positive outcome of the Certificate of Compliance in relation to meeting its statutory duty under the Local Government (Wales) Measure 2009.

**Action by** Cabinet

**Timetable** Immediate

This report was prepared after consultation with:

- Corporate Management Team
- Audit Wales

**Signed**

## Background

As part of the programme of regulatory activity in accordance with the Local Government Measure 2009, the Auditor General is required to issue a certificate of compliance to demonstrate that Council is discharging its duties under the Measure.

As part of the certificate of compliance, the Council is required to publish its Annual Report of performance for 2020/21 before the 31<sup>st</sup> October in accordance with sections 15(2), (3), (8) and (9) of the Local Government (Wales) Measure 2009. At the Cabinet meeting dated 13<sup>th</sup> October, the Council's Annual Report was approved and subsequently published on the [Council's website](#) on 29<sup>th</sup> October 2021.

As a result of this action completed by the Council, Audit Wales has published its Certificate of Compliance (Appendix 1), with the Auditor General for Wales certifying that:

*For the purposes of my audit work I will accept that, provided an authority meets its statutory requirements, it will also have complied with Welsh Government statutory guidance sufficiently to discharge its duties.*

*For this audit I am not required to form a view on the completeness or accuracy of information. My audit of the Council's assessment of performance, therefore, comprised a review of the Council's publication to ascertain whether it included elements prescribed in legislation. I also assessed whether the arrangements for publishing the assessment complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing it.*

*The work I have carried out in order to report and make recommendations in accordance with sections 17 and 19 of the Measure cannot solely be relied upon to identify all weaknesses or opportunities for improvement.*

This will be the final Certificate of Compliance issued by Audit Wales following the introduction of the new Local Government and Elections (Wales) Act 2021. Further confirmation is due to be provided by Audit Wales on how they will assess the Council's performance and governance under the new Act.

## Certificate

The certificate is attached as Appendix A (English) and Appendix B (Welsh) to this report.

## Financial Summary (Capital and Revenue)

There are no Financial impacts in relation to this report.

## Risks

There are no direct impacts of this report to the risks identified in the Council's Corporate Risk Register.

## Links to Council Policies and Priorities

Continuous improvement is central to the Council's ambitions for itself, organisationally, and in terms of its role in advancing the City's reputation and the quality of life for its citizens. A range of core priorities and programmes are influenced by this agenda, including:

- The Corporate Plan 2017-22
- Newport Public Services Board 'One Newport' Well-being Plan.
- Annual reporting arrangements

## Options Available and considered

Cabinet are asked to:

- (a) Consider and accept the conclusion contained in the Auditor General's Certificate of Compliance Report; or
- (b) Disregard the findings of the report.

## **Preferred Option and Why**

The preferred option is (a) as the Certificate of Compliance is positive and confirms that the council has discharged its duties under the Local Government Measure 2009 with regards to Improvement Planning.

## **Comments of Chief Financial Officer**

There is no financial impact in presenting the Audit Wales Certificate to Cabinet. The report confirms that Audit Wales has issued the Assessment of Performance Certificate confirming the Council has discharged its duties under the Local Government (Wales) Measure 2009.

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. The Council has a duty under the Local Government (Wales) Measure 2009 ("the Measure") to secure continuous improvement in the delivery of services and to publish an assessment of its performance. The Assessment of Performance Certificate issued by the Audit Wales confirms that the Council has discharged its duties in accordance with section 15 of the Measure and statutory guidance.

This will be the final Certificate of Compliance issued by Audit Wales, as the continuous improvement duty under the 2009 Measure has now been replaced by the new performance self-assessment and peer-review process under the Local Government and Elections (Wales) Act 2021. Audit Wales will no longer be required to certify compliance with the new legislation, but the process of reviewing performance and governance arrangements under the new framework has yet to be finalised.

## **Comments of Head of People and Business Change**

The certificate verifies that the Council has met its obligation of publishing its Annual Report 2020/21 under the Local Government Measure 2009. This is an on-going aim for the Council and this also contributes to the Council's adherence to the Sustainable Development Principle of the Well-being of Future Generations (Wales) Act 2015. There are no direct staffing implications contained in this report.

## **Scrutiny Committees**

Not Applicable as this report is not required to be presented to Scrutiny Committee.

## **Fairness and Equality Impact Assessment:**

### **• Wellbeing of Future Generation (Wales) Act**

The Auditor General helps to ensure that public bodies are held to account for their performance in relation to the requirements of the Well-being of Future Generations (Wales) Act 2015 and the Local Government Measure (2009). Audit Wales consider the Well-being of Future Generations (Wales) Act 2015 in the planning and implementation of their work. The issue of the Certificate of Compliance demonstrates that the council is meeting its obligations under both Acts.

### **• Equality Act 2010**

FEIA is not required for this report as it is an information only report for the Council's Cabinet to consider and accept under the Local Government Measure 2009

### **• Socio-economic Duty**

Consideration of the Socio-economic Duty is not required for this report as it is an information only report for the Council's Cabinet to consider and accept under the Local Government Measure 2009.

### **• Welsh Language (Wales) Measure 2011**

The Certificate of Compliance has been published in Welsh (Appendix 2) and English (Appendix 1) to meet Welsh Language requirements.

## **Consultation**

Not Applicable as this is an information only report for Cabinet

## **Background Papers**

Newport City Council's Corporate Plan 2017-22

Audit Wales Assessment of Performance Certificate

Audit Wales Assessment of Performance Certificate (Welsh)

Cabinet Minutes 13<sup>th</sup> October 2020

Annual Report 2020/21

**Dated: 8 December 2021**