

# Report

## Cabinet

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### Part 1

Date: 12 December 2018

Item No: 10

### **Subject** Wales Audit Office Second Certificate of Compliance

**Purpose** To present Cabinet with the second Certificate of Compliance issued by the Wales Audit Office (WAO) following an audit of the Council's 2017/18 performance in accordance with section 17 of the Local Government (Wales) Measure 2009. This certifies that the Council has published its assessment of performance before 31<sup>st</sup> October 2018.

**Author** Head of People and Business Change

**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 two Certificates of Compliance to demonstrate that Council is discharging its duties under the Measure. The first certificate presented to Cabinet in September 2018 and the second certificate was issued in November 2018 following the publication of the Council's Annual Review of Wellbeing Objectives and Improvement Programme 2017/18 in October 2018.

**Proposal** Cabinet is requested to note the positive outcome of the Certificate of Compliance in relation to the Council's 2017/18 performance.

**Action by** Cabinet

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Strategic Directors
- Heads of Service

**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 two Certificates of Compliance to demonstrate that Council is discharging its duties under the Measure. In September 2018, the first certificate was presented to Cabinet where it was reported that the Auditor General for Wales certified that:

*“...the Council has discharged its duties under section 15(6) to (9) of the Measure and has acted in accordance with Welsh Government guidance sufficiently to discharge its duties.”*

As part of the Local Government Measure 2009, the Council is also required to publish an assessment of its performance in 2017/18 by the 31<sup>st</sup> October 2018. In doing so, the Annual Review of the Wellbeing Objectives and Improvement Plan 2017/18 was published on the Council's website.

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

*“...As a result of my audit, I believe that the Council has discharged its duties under sections 15(2), (3), (8) and (9) of the Measure and has acted in accordance with Welsh Government guidance sufficiently to discharge its duties.”*

## **Financial Summary**

The financial implications of actions and projects identified by this and other regulatory work will be reported and considered in the normal way, in accordance with the council's financial plans and regulations.

## **Risks**

As with the financial implications above, each individual action and wider Corporate Planning agenda will consider risk management practices and policy.

## **Links to Council Policies and Priorities**

The Wellbeing Plan, Corporate Plan and associated regulatory work all contribute to the council's strategic objectives.

## **Options Available and considered**

- a) To note the positive Certificate of Compliance from the Auditor General for Wales in respect of the audit of the Council's 2017/18 performance; or
- b) To disregard the Certificate.

## **Preferred Option and Why**

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

## **Comments of Chief Financial Officer**

There are no financial implications arising from the report as all the actions identified will be contained within existing approved budgets.

## **Comments of Monitoring Officer**

There are no legal implications arising from the Report. The WAO Certificate of Compliance confirms that the Council has discharged its statutory duties in respect of improvement reporting in accordance with the requirements of the Local Government Measure 2009.

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

There are no direct staffing implications arising from this report. The certificate verifies that the Council has met its obligation of demonstrating continuous improvement under the Local Government Measure 2009. This is an on-going aim for the Council to deliver its services in accordance with the principles set out in the Wellbeing of future Generations (Wales) act 2015.

## **Comments of Cabinet Member**

The Chair of Cabinet has been consulted and has agreed that this report goes forward to Cabinet for consideration.

## **Local issues**

None

## **Scrutiny Committees**

Scrutiny committees receive performance management Cabinet Reports for information.

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The contents of the Wales Audit Office report consider the five ways of working and sustainable principle.

**Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

**Consultation**

Not applicable

**Background Papers**

Cabinet Report (September 2018) – WAO Certificate of Compliance 2018/19.

Corporate Plan 2017-22

Annual Review of the Well-being Objectives and Improvement Plan 2017/18

Dated: November 2018