



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 6

PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

CHAPTER 1

PERFORMANCE, PERFORMANCE ASSESSMENTS AND INTERVENTION

Panel assessments of performance

92 Duty of principal council to arrange panel performance assessment

- (1) A principal council must make arrangements so that, at least once during the period between two consecutive ordinary elections of councillors to the council, a panel appointed by the council assesses the extent to which the council is meeting the performance requirements.
- (2) In this section, an assessment under subsection (1) is referred to as a “panel performance assessment”.
- (3) In carrying out a panel performance assessment in respect of a council, a panel must consult the following about the extent to which the council is meeting the performance requirements—
 - (a) local people,
 - (b) other persons carrying on a business in the council’s area,
 - (c) the staff of the council, and
 - (d) every trade union which is recognised (within the meaning of the [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#)) by the council.
- (4) Following a panel performance assessment a panel must make a report setting out—

- (a) its conclusions as to the extent to which the council is meeting the performance requirements;
 - (b) any actions the panel recommends that the council take in order to increase the extent to which it meets the performance requirements.
- (5) As soon as reasonably practicable after making the report the panel must send it to—
- (a) the council,
 - (b) the Auditor General for Wales,
 - (c) Her Majesty’s Chief Inspector of Education and Training in Wales, and
 - (d) the Welsh Ministers.
- (6) As soon as reasonably practicable after receiving the report from the panel, the council must—
- (a) make the report available to the council’s governance and audit committee, and
 - (b) publish the report.
- (7) Arrangements under subsection (1) must enable the principal council to publish at least one report before the day which is six months before the day on which the next ordinary election of councillors to the council is due to take place.
- (8) In this section, a reference to a panel is a reference to the members of that panel acting jointly; accordingly, a function expressed as a function of a panel is a function of each member of the panel that may only be exercised jointly with the other members.

93 Duty of principal council to respond to report of panel performance assessment

- (1) A principal council must prepare a response to each report made under section 92(4) in respect of the council.
- (2) The response must state—
- (a) the extent to which the council accepts the conclusions in the report as to the extent to which the council is meeting the performance requirements,
 - (b) the extent to which the council intends to follow any recommendations in the report, and
 - (c) any actions the council intends to take to increase the extent to which it meets the performance requirements.
- (3) The council must make a draft of the response available to its governance and audit committee.
- (4) The governance and audit committee must review the draft response and may make recommendations for changes to the statements made in the draft under subsection (2).
- (5) If the council does not make a change recommended by the governance and audit committee under subsection (4), the council must set out, in the response, the recommendation and the reasons why it did not make the change.
- (6) As soon as reasonably practicable after finalising the response the council must—
- (a) publish the response, and
 - (b) send the response to—
 - (i) the members of the panel,
 - (ii) the Auditor General for Wales,

Status: This is the original version (as it was originally enacted).

- (iii) Her Majesty’s Chief Inspector of Education and Training in Wales,
and
 - (iv) the Welsh Ministers.
- (7) Arrangements under section 92(1) must enable the principal council to publish at least one response to a report before the day which is four months before the day on which the next ordinary election of councillors to the council is due to take place.

94 Panel performance assessments: supplementary regulations

- (1) The Welsh Ministers may by regulations make provision for and in connection with the appointment by principal councils of panels under section 92(1).
- (2) The regulations may, in particular, include provision about—
 - (a) the appointment of members of a panel (including the number, and any limit on the number, of members who may or must be appointed, and any conditions for appointment);
 - (b) the payment of fees to or in relation to members of a panel.