

QUESTIONS & COMMENTS SUBMITTED TO COUNCIL IN RESPECT THE WAO REPORT – WITH RESPONSE FROM COUNCIL.

Whilst we do have genuine concerns about the accuracy of many parts of the report, we also acknowledge that it clearly points to the fact that improvements must be made to the Council's policies and procedures.

We are disappointed to note that a high proportion of the material supplied to the auditors as evidence of actions taken has not been included, not least of which was the context around the advice given by Paul Egan (Deputy CEO of One Voice Wales) covering the period noted in the report as 2018/19.

The inclusion of this material would have given Councillors (and members of the public) a much more balanced overview of the report.

Our question to Council is this: **Do Council intend to contact WAO and highlight this important omission and, if not, could they advise why not?**

RESPONSE:

Council will not be contacting the WAO. Council accepts the findings and recommendations of the WAO Report and whilst it notes some minor matters, omissions and inaccuracies, the Council wishes to focus all efforts on improvement.

The community will expect Council to provide (and adhere to) a clear action plan to address the issues raised within the report.

The key to the effective delivery of this will require Council to build a culture of trust and mutual respect amongst its members, setting aside any personal agendas and thus behaving like a corporate body.

It will also be critical to the success of how Council is seen to be progressing the WAO recommendations that a forward-thinking approach is adopted and the focus is on the future of its business and not what has happened previously.

All Councillors and employees need to sign up to this if Council is to deliver value to the community which it has been elected to represent.

We look forward to seeing the details of Council's proposals.

I note from the discussions that one option Council is considering, as part of its statement of response to the WAO report, is to refer specifically to the failure to follow processes during the period 2018/19.

If this is agreed by Council, we would like to ask Council an additional question: ***What is Council's rationale for referring specifically to this period as there seems to be no logical explanation for this at all?***

RESPONSE:

Council accepts the WAO report for the audit year 2018-2019, and the findings therein, and therefore any references therein.

The alleged unlawful expenditure referred to for the period 2013/14 is of a much higher monetary value and indicates breaches of procurement law, not just internal regulatory breaches.

The Chair did say that all questions would be considered by Council and responses provided thereafter; we would therefore be content to wait to receive responses to both of our questions until after Monday's meeting, at which this matter is to be discussed.

Further to Monday's meeting, where it was agreed that all questions from members of the public would be published (anonymously) on your website, along with subsequent responses, please would you also append the following questions to that list, in addition to those which we have already submitted.

As it is quite clear from the WAO Report that many of the 'incorrect' policies and procedures should have been flagged-up several years back by the current Clerk (as Responsible Financial Officer and Proper Officer), **what remedial action does the Council intend to take, as the Clerk's employer, to safeguard this from happening again in the future?**

RESPONSE:

All matters relating to and regarding staffing are confidential. Council is in the process of reviewing and appraising its policies and procedures to ensure that it is continually improving its governance and accountability, and will be seeking to put in place contingency plans.

Why has the Council decided to ignore all of the evidence, presented, of the factual inaccuracies within the WAO Report and to accept it in full when there are so many errors, omissions and inaccuracies (which can, if necessary, be evidenced) that it is both misleading and (in its current form) an egregious waste of public money.

RESPONSE:

Council has accepted the WAO report, and it has given due consideration to the matter of inaccuracies and/or omissions, but considers these to be minor and will be focusing all its efforts on improving its processes, governance and accountability.

In 2018/19, the Clerk was absent for just six months. During this time, Council acted at all times on the advice and guidance of Paul Egan, Deputy CEO, One Voice Wales (OVW). This is evidenced by minutes and notes and the fact that Council paid an amount to OVW. The Report, however, finds that Council did not follow its procedures during this time. **Do Councillors who were involved at that time, and who heard and saw first-hand the guidance from Paul Egan, now consider that the advice from One Voice Wales was incorrect or (mindful that Paul advised Council, on 29 January 2019, that the A&P Committee had acted in an "exemplary" manner and, as noted in previous A and P minutes, "by the book") do they still stand by it?**

RESPONSE:

This Council has made the decision to accept the WAO report in full, having given due consideration to minor errors, omissions or inaccuracies within, and is now focusing on making improvements and meeting the WAO recommendations.

If Council accepts that the advice was correct, why then are they not challenging the findings of the report for the period 2018/19? If, however, they consider that the advice was **not correct, what**

evidence would support this conclusion and, given that this service was funded from public money, will this be addressed with OVW?

RESPONSE:

This Council accepts the findings and recommendations of the WAO report and has resolved not to challenge the contents of the report. This Council will be channelling its efforts towards improving its processes and procedures and meeting the recommendations made within the report.

Some current Councillors were not (or should not have been) privy to highly confidential documents and discussions during the period covered by the WAO Report. **How then can they justify taking part in an objective and meaningful discussion as to whether reference to the inaccuracies contained within the Report should be included in the Council's statement?**

RESPONSE:

Several Councillors opted not to comment on the WAO confidential draft consideration report issued in 2020 as they had not been elected to Council at the time and therefore could not comment on its accuracy. In respect of the WAO final report published in the public domain in October 2021, all Councillors are elected officials of the Council, a body corporate, and whether they were in office at the time covered by the report (2018/2019) or not, they do have a duty and bear responsibility for addressing the findings and recommendations within the final WAO report, which impacts the Council now, and in the future.

I was very shocked to read this audit report, to find out that some members of the Council have mishandled our funding to the tune of £86k. This has prompted me to raise a few questions to which I would like some answers. If the answers are not satisfactory I will take them to a higher authority.

I am aware that the clerk was off sick during this period but, I understand, standing orders were in place and appear to have been ignored by certain Councillors, why was that?

RESPONSE:

This Council can confirm, that during the Clerk's long term sickness leave Standing Orders were in place. This Council cannot comment on why an individual Councillor chooses to ignore Standing Orders, rules and regulations.

Standing Orders are in place and it is important for all Councillors to be aware of them, we are taking steps to ensure this is the case. Individual Councillors have no power to act on behalf of council. Council is a corporate body and decisions are made by council only.

The Auditor has stated that 3 councillors were responsible for the unlawful expenditure and has named them. As it was unlawful why is one of the Councillors allowed to continue serving on the Council? Surely none of these people should be allowed to hold office again.

RESPONSE:

Council is a body Corporate and all Councillors are equally responsible for any and all decisions by the Council. Councillors are elected officials who must abide by the code of conduct and who are held accountable to the Electorate.

The tenure of any Councillors is not a matter for Council, it is a matter for the individual member, or a decision reached by the Standards Committee (Mon CC) or the Public Service Ombudsman's Adjudication Panel for Wales.

The Auditor states that one of these Councillors claimed an unlawful payment of £500, why have the Council not taken steps to recover that money? Claiming to have given it to charity is not acceptable, it was not theirs to give to charity. If the money is not re-paid then perhaps the Police should be involved.

RESPONSE:

Rightly or wrongly, during the long-term absence of the clerk, this Council made the decision/resolution to make the payment of £500 to the said Councillor, having misinterpreted the IRPW Report, an attempt was made to recover over-paid monies (OM 4/4/18 Min Nos 233.1 & 233.1 cont'd) when the Councillor subsequently resigned.

The Independent Remuneration Panel for Wales has now clarified its report on this matter, making the instructions clearer, and Council has since put in place measures to reduce the level of risk of this happening again, i.e. staggering payment on a quarterly basis.

I have attended many Council meetings including some in the period of this audit period. I was amazed at the procedures used. If a motion was proposed and had a seconded then it was carried without other Councillors able to vote. Therefore, the 3 Councillors could carry any motion they wanted. Is this system still in operation? Surely the other Councillors should be asked if they agree by a vote.

RESPONSE:

All Councillors have a duty to prepare for and participate in meetings. This includes participating in any voting. There have been occasions, when Councillors have not been clear in their support for or against a motion/proposal, and when asked if there are any objections, having received no response, a motion has been carried. As you rightly point out this is not an ideal way of casting a vote, and voting should be by show of hands.

All decisions are (de facto) decisions of full Council, and therefore no councillor has any more power or agency than any other. The Chair does however have the ability to manage a meeting as they see fit within the auspices of Standing Orders and the Code of Conduct.

I attended the meeting on 1st November 2021 when the Audit report was discussed and progress was made towards accepting the Audit report, although I understand a further meeting will be held before full acceptance. I fail to see how some councillors are hesitating to accept the report of the professional body which carry out audits under the banner of the Welsh Audit Office though. I recognise from the meeting that steps are being taken to prevent this debacle happening again by using the recommendations made by the auditors. However, nothing has been said about the named 3 Councillors who created this problem being investigated. I feel strongly that something should be done about this gross mishandling of public money. It should not be brushed under the carpet and as it is classed as unlawful and if Council cannot resolve it then perhaps the law should be involved.