

**MINUTES OF A MEETING OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (ALCC) HELD ON 12 AUGUST 2020 at 7.00pm using Microsoft Teams video conferencing**

**NB** the Council meeting started at 7.00pm exactly. Members and officers logged in to Microsoft Teams from 6.30pm to ensure everyone could do so and to deal with any technical support issues. No members used the EE Group Call (telephone conferencing) option. Protocols for the meeting (e.g. the need to speak one at a time, mute microphones when not speaking and raise your hand to signify a desire to speak) were discussed (and repeated as the meeting progressed) as per the remote meetings guidance issued to members before the meeting.

**PRESENT: Councillors:**

Peter Adamson, Michaela Assiratti, Keri Bidgood, Gill Clark (Chair), Tracey Dyson, Julie Holt, Mark Lewis, Beverley Lucas, Perry Morgan #, Gary Oakley #, Rob Phillips, Allen Rees, Nick Simmons, Glyn Smith # and Graham White #

# these members were gathered at Bournville Community Hall, using a shared computer set up by one of those councillors

**Officers:** Steve Edwards, Deputy Clerk and Richard Gwinnell, Town Clerk

**Others:** Mr H N P O'Sullivan (Internal Auditor) (until the end of agenda item 9) (minute 241)

**ABSENT:** Councillors Vanessa Bartlett, Roger Clark and Bernard Wall

**233. APOLOGIES FOR ABSENCE AND WELCOMES**

Apologies for absence were received from Councillors Vanessa Bartlett and Roger Clark.

Welcomes were extended to everyone present.

**234. DECLARATIONS OF INTEREST**

The Chair reminded members of the need to declare any personal interests.

No members declared any personal interests.

**235. MINUTES: COUNCIL – 26 FEBRUARY 2020**

**Council RESOLVED:** that the minutes of the Council meeting held on 26 February 2020 be confirmed as a correct record, for signature by the Chair.

**236. MINUTES: FINANCE AND GRANTS COMMITTEE – 10 MARCH 2020**

The members of the Committee who were present confirmed that the minutes were a

correct record of the meeting.

**Council RESOLVED:** that the minutes of the Finance and Grants Committee meeting held on 10 March 2020 be confirmed as a correct record, for signature by the Chair, and their contents be noted.

**237. MINUTES: FINANCE AND GRANTS COMMITTEE – 1 JUNE 2020**

The members of the Committee who were present confirmed that the minutes were a correct record of the meeting.

**Council RESOLVED:** that the minutes of the Finance and Grants Committee meeting held on 1 June 2020 be confirmed as a correct record, for signature by the Chair, and their contents be noted.

**238. MINUTES: HUMAN RESOURCES COMMITTEE – 6 MARCH 2020**

The members of the Committee who were present confirmed that the minutes were a correct record of the meeting.

**Council RESOLVED:** that the minutes of the Human Resources Committee meeting held on 6 March 2020 be confirmed as a correct record, for signature by the Chair, and their contents be noted.

**239. MINUTES: HUMAN RESOURCES COMMITTEE – 12 JUNE 2020**

The members of the Committee who were present confirmed that the minutes were a correct record of the meeting.

**Council RESOLVED:** that the minutes of the Human Resources Committee meeting held on 12 June 2020 be confirmed as a correct record, for signature by the Chair, and their contents be noted.

**240. QUESTIONS FROM THE PUBLIC**

There were no public questions for this meeting.

**241. 2019/20 ACCOUNTS AND ANNUAL RETURN**

The Council considered the report of the Clerk and RFO (Responsible Financial Officer) and the Deputy Clerk (agenda item 9).

The Clerk outlined the report in detail and explained what the Annual Return and all the other appendices contained. He explained the audit requirements, which were set out in the regulations, and the amended timescales for this year issued by the Welsh Government

and by Audit Wales, which recognised that delays with completing accounts were inevitable this year across the whole of the UK, due to the Covid-19 pandemic. He explained the electors rights process and timescales and outlined in detail the account summary (the totals of all money in and money out during the year) and the position with Reserves. He explained the role of Audit Wales, the position with previous years' accounts, which had not yet been fully audited, and the next steps to submit these accounts for audit. The Clerk outlined the report's conclusions in detail, emphasising that Audit Wales may be particularly interested in this year's accounts, due to the significant variances from the previous year, and that this may result in a greater degree of work and higher audit costs in the future.

In answer to questions and comments, the Clerk explained further:

- how reserves now amounted to £61,678.45, as shown in the account summary on page 45 of the agenda
- that it was impossible to make up the accounts for the year ending 31 March by 31 March, or before the Covid-19 pandemic started, as Councillor White claimed
- accounts for the year ending 31 March had to be prepared and agreed by a council by 30 June in any normal year
- this 30 June deadline allowed time for bank statements to be received, records to be finalised, cheques to clear and queries to be dealt with etc
- this year, due to the Covid-19 pandemic (which became evident in February and caused all councils to close their offices and stop having meetings in March), the deadline had been extended to the end of August (by Audit Wales) and to the end of September (by Welsh Government)
- when the accounts could be done was affected by offices closing, clerks not having the required spreadsheets or bank statements to work on at home, clerks being unable to meet internal auditors due to shielding, councils being unable to meet due to the ban on public gatherings and social distancing etc
- despite all these issues, with the help of the Deputy Clerk and following meetings with the Internal Auditor, the accounts had been completed and certified on 27 July; less than a month after the normal deadline and well within the revised deadlines
- the Council was meeting on 12 August; again, well within the revised deadlines.

Councillor White continued to express the view that the accounts should have been completed before the end of March and before Covid-19 had any effect on their timing.

The Chair stated that these comments had already been answered.

The Chair asked the Internal Auditor to present his report.

The Internal Auditor presented his report and answered queries. Briefly:

- he thanked the Council for inviting him to attend and present the report
- he confirmed that the accounts had been done well within the revised deadlines issued by Audit Wales and the Welsh Government, as stated by the Clerk
- Audit Wales had made clear that the accounts would not be qualified if they were approved by the Council by the end of August
- he outlined Annex 2 to the report in detail
- the Council had complied with all the requirements of Audit Wales set out in the pro forma Internal Auditor's report contained in the Annual Return, except the need to

- undertake a comprehensive risk assessment
- risks had been assessed throughout the year, but not on a wholesale basis
- appendix B to his report contained areas of concern he had identified, which he felt the Council should consider and be concerned about also
- the Council had increased its precept by 107% last year
- lists of possible projects had been discussed but such a rise should have been linked properly to the Council's aims, objectives, strategic direction of travel and policies
- the increase in 2019 had been added to, by an inflationary increase, in 2020
- compounded by Covid-19, the Council now had a significant sum of money unspent
- the danger was that these funds could be "frittered away" rather than spent in a planned, strategic way; this was a serious weakness
- he was quite sure Audit Wales would ask further questions about the justification
- the Council needed to consider what its aims and strategic direction were
- there had been very limited meaningful consultation with the public before the precept was increased by 107%
- he had serious concerns about how the solar farm grant was dealt with in 2019
- the Council drew up criteria, then applied the new 5-year rule retrospectively
- in doing so, the Clerk's advice and external legal advice was ignored
- this left the Council open to a potential judicial review
- another £35k would be available this year and it was vital for Council to agree the criteria going forward and publish it before inviting applications this year
- he had suggested that the Clerk contact the solar farm company to find out what the timescale for this year would be.

The Clerk stated that he had contacted the company and explained the delays caused by Covid-19 and the lack of Council meetings so far this year. The company had said they still wanted the next solar farm grant round of funding issued by the Council by Christmas 2020 if at all possible. He would go back to them if needed, but this may prove possible.

Councillor Oakley stated that there was no doubt the solar farm grant had caused deep splits and considerable damage within the Council. He stated that he would not comment further on the solar farm grant issue as that was the subject of something else, which he did not wish to mention. He asked whether the Internal Auditor had seen the reports leading up to the 2019 budget setting, which justified the increase in the precept.

The Internal Auditor responded that:

- he had seen all the reports and minutes relating to the budget setting decision and leading up to it
- he had also seen notes of several subsequent working group meetings, where potential projects were discussed
- the Council did go through a process, it changed the budget recommended by the officers, and it was entitled to do that; but there was no discussion of strategic aims or objectives and no clear direction of travel.

Councillor Oakley stated in brief that:

- the budget working group was meant to meet and flesh out the spending plans
- for the record, he was new to the Council when he proposed the budget increase

- it seemed to him, very little was left after paying for the basics, such as Christmas lights
- the budget had been fine-tuned since the 2019 precept increase and a great deal of work and very many hours had gone into setting the 2020 budget
- members had high hopes for spending in 2020 but Covid-19 had come along and prevented a lot of things happening
- public surveys were conducted not only at Winterfest but also in churches, groups, clubs, on the street and in discussions he and his wife held with many people
- had it not been for the budget increase, the spending on youth workers and the second party in the park would not have been possible.

The Internal Auditor responded that:

- he appreciated that people held discussions with others and there may have been a view that the budget should increase, to get more things done
- however, at no time was the public asked how much more they were willing to pay
- there was merit in increasing the precept but it needed to be linked to a proper plan
- going forward, it needed to be clear that the budget was set in order to pay for the strategic objectives of the Council
- there was clearly considerable work and many hours put in to the 2020 budget; he had seen all the reports and minutes, but still there was a lack of cohesion.

Councillor Morgan objected to the Internal Auditor commenting on the solar farm grant issue. He stated that this was not an issue for the Internal Auditor.

The Internal Auditor responded that it was his role to identify areas of concern he had and to inform the Council of those areas of concern. The Council could choose to ignore him if it wished, but it was his responsibility as Internal Auditor to highlight issues or areas of concern and bring them to the Council's attention.

Councillor Oakley stated that the legal advice from the National Association of Local Councils said the Council could read the criteria however it wanted to but must advertise.

The Internal Auditor stated that he had seen the legal advice and many other documents. Unfortunately a councillor had informed groups not to apply.

Councillor Oakley stated that this had not happened and suggested the Internal Auditor read the reports again.

The Internal Auditor responded that:

- he had already read all the reports and minutes
- some members might disagree with him if they wished, but the way the Council dealt with the solar farm grant in 2019 exposed it to legal risk
- it was up to the Council what it wanted to do with the information he gave them
- it was important for the Council to decide what to do about the 5-year rule going forward and to advertise this year, what the 5-year rule meant in reality.

Councillor Lewis expressed concern that ALCC did not know (when it set its budget) how much the increase would actually cost taxpayers. He also referred to the importance of

deciding what reserves were for. The officers undertook to get back to Councillor Lewis as the information required was not immediately to hand.

The Internal Auditor continued to present his report. Briefly:

- he had worked in local government for 38 years and had never experienced 11 complaints to the Public Services Ombudsman (PSO) for Wales, let alone 11 complaints in less than 3 months
- this was a sad indictment and an indication that the Council was unable to deliver effectively for local communities, whilst it suffered from this level of in-fighting
- 7 complaints had been found to be not worthy of investigation or action, 3 were still under investigation and 1 should not have been made to the PSO in the first place
- this showed a clear breakdown of trust, respect and communication and the Council needed to address it, for the benefit of the people of the local area.

Councillor White stated that he could not see the Internal Auditor's remit being relevant to this issue. He was of the view that members needed someone external to complain to, as the County Borough Monitoring Officer was reluctant to get involved and they only had the Clerk left to go to.

The Internal Auditor responded that:

- he was staggered by the number of complaints, especially in less than 3 months
- councillors were clearly at loggerheads and this could cost the Council a great deal in terms of time and money; this was therefore about bad financial management
- the external auditor would see the number of complaints to the PSO for Wales and they would be similarly concerned
- the Council could do what it wanted to do, but it was his responsibility to raise his concerns.

Councillor Adamson stated that members were well aware that they were at loggerheads and did not need the Internal Auditor reminding them. He felt the Internal Auditor should "just stick to the facts" and not express opinions or judgements (e.g. as in the last two paragraphs of this section of his report).

The Internal Auditor responded that:

- his report contained his observations
- he knew members were aware, but the time and effort taken in dealing with these issues was disproportionate
- he felt it appropriate to report his concerns and he was doing so.

The Internal Auditor then outlined section 4 of Appendix B to his report, on the need for better monitoring of the youth service grant. He stated in answer to questions from Councillor Oakley that:

- he had read the reports on the youth service grant
- the Council needed more information, for example in relation to how many meals had actually been provided to young people in need by the Space Café
- the Council had given a large amount of funding for youth services and needed to

be satisfied that the money was being spent properly.

Councillor Oakley outlined how the funds had been spent, with the Space Café providing 40 meals per day to young people in need and youth workers being employed (before Covid-19) to engage with young people on the street and so reduce anti-social behaviour. Reports had been sent to the Council on the spending of the funds.

The Internal Auditor stated that this was helpful. More information would be helpful and he would be happy if he could say in next year's audit that reporting back had improved.

The Internal Auditor then outlined the remainder of appendix B to his report (sections 5 and 6). He stated that:

- the word "able" in section 5 should read "unable"
- the Council should have in place a mechanism (as many other councils did) for reaching urgent or important decisions, when the Council itself could not meet
- Covid-19 and the subsequent shutdown had never been experienced before, but it proved the importance of more delegations being given to officers and perhaps a small committee of members (e.g. the Chair of Council, Chair of Finance and Leader of the Opposition), to make decisions and keep Council services running.

Councillor Adamson expressed concern that five years' accounts were now with Audit Wales, awaiting external audit. He asked who could secure progress, given that the Council was under a burden of audit and waiting five years seemed wrong.

The Clerk stated that he had spoken with Audit Wales staff on several occasions and been assured of progress. As members knew, issues arose in 2014/15 and a Police investigation took place. That lasted several years, resulting in delays to the external audit for 2014/15 and all subsequent years. The last time he enquired, Wales Audit Office's local government audit team consisted of a single person. There were 735 community councils in Wales, so it was no surprise that progress was delayed. He was happy to enquire again, without wishing to put undue pressure on Audit Wales staff.

The Clerk was asked to clarify recommendation (2) in relation to the Council agreeing the Internal Auditor's report. The Clerk explained that the Council needed to approve the Annual Return, which set out the accounts including the annual governance statement and Internal Auditor's report, all on one form. However, the Internal Auditor's report was the Internal Auditor's report. The Council could not change the Internal Auditor's report. In answer to Councillor Oakley, the Clerk stated that the minutes of the meeting would record that there was a thorough debate on the Internal Auditor's report.

**Council RESOLVED:**

- (1) That the Clerk write to Audit Wales, enquiring about progress on the external audit of the Council's previous years' accounts and when the Council might realistically expect further progress
- (2) That the Council agrees that the accounting statements shown in the report fairly present the financial position of the Council for the year ending 31 March 2020 (NB one member abstained from this decision)
- (3) That the Annual Return, including the Annual Governance Statement and the Internal

- Auditor's report, be approved (NB one member voted against this decision)
- (4) That the Council authorises the Chair of the Council to complete and sign the Annual Return on the basis of these accounts
  - (5) That the Council authorises the Clerk/RFO to submit the Annual Return for the year ended 31 March 2020 and all relevant associated documents to Audit Wales as required.

The Chair thanked the Internal Auditor for his thorough and effective audit.

The Internal Auditor thanked members and officers and left the meeting at 8.25pm.

## **242. BUDGET 2019/20 – QUARTER 4 OUT-TURN REPORT**

The Deputy Clerk began to outline the report (agenda item 10). During his introduction, he stated that the four councillors gathered at Bournville Community Hall had lost their internet connection due to an electrical storm. They were trying to get back into the meeting. They were using Councillor Oakley's mobile phone for their internet connection.

### **Council RESOLVED:**

- (1) To adjourn the meeting for five minutes (at 8.27pm), to enable the issues to be resolved.

The Council reconvened at 8.32pm. The members who were gathered at Bournville Community Hall (see #) had been unable to regain internet connection and were unable to come back into the meeting. Telephone signals including Group Call were also not working, possibly due to the severe electrical storm covering the whole area.

### **Council RESOLVED:**

- (2) To **DEFER** any non-urgent agenda items (Quarter 4 budget outturn report, Christmas lights, Chair's announcements, relevant correspondence and celebrating success) to a future meeting
- (3) That agenda item 16 was not needed, as the position relating to the 11 complaints to the PSO for Wales had already been discussed in this meeting
- (4) That agenda item 15 (exclusion of press and public) was also not necessary
- (5) Recognising that 11 councillors were still present, that Council deals with the remaining urgent items today (ICT strategy and procurement and date and time of next meeting).

## **243. ICT STRATEGY AND PROCUREMENT**

The Council considered a report of the Deputy Clerk, which he outlined briefly.

Various members commented in brief:

- the current desktop computers were installed in 2010
- it was "absolutely imperative" to replace them as urgently as possible
- the Council should get an IT expert in to check what the staff were saying
- the existing computers should be taken to a local firm (e.g. Bits and PCs) to verify



- the facts, as members only had the officers' word to rely on
- the existing computers were running on Windows 7; this operating system was out of date several years ago and was no longer supported by Microsoft, so the Council was already at risk of IT security breaches and needed to get on with this
- new laptops were required as a matter of urgency
- the report also included the long-proposed screen in the Council Chamber.

In reply, the Deputy Clerk explained:

- the frequency with which the current 10-year-old desktop computers were failing
- the existing ICT was technically inadequate; even when it was working
- that comments about getting an IT expert in were disrespectful
- he personally had extensive ICT experience over many years; he had been the Head of Digital Forensics for the Serious Fraud Office
- that laptops (not desktops) were needed in any case, to enable home working, which was essential, especially during the Covid-19 pandemic
- Government guidance said employers must do everything possible to enable employees to work from home, including providing laptops to employees
- the Council was currently relying on staff using their own personally owned ICT or carrying a heavy desktop computer from office to home and back on a regular basis
- the potential impact on the Council's ability to get things done if the existing desktop computers were not replaced with new laptops
- taking the computers to a local shop was simply delaying the inevitable.

**Council RESOLVED** (unanimously):

- To grant all necessary delegated powers to the officers to urgently proceed to upgrade the ICT equipment in line with this report, within the £2,250 IT upgrade budget already agreed by the Council
- To grant all necessary delegated powers to the officers to proceed with the purchase and installation of the 65" smart monitor in the Council Chamber, within the £1,200 smart monitor budget already agreed by the Council.

Councillor Adamson left the meeting at this point.

**244. DATE AND TIME OF NEXT MEETING**

**Council RESOLVED:** That the next meeting be held (provisionally) on 17 September 2020 at 7.00pm subject to consultation with all members.

The meeting ended at 8.55 pm.

Signed as a correct record by the Chair .....

*NB these minutes are a summary of the proceedings and record of the decisions taken. They are not intended to be a verbatim record.*

*Minutes produced by Richard Gwinnell, Town Clerk*