



FREEDOM OF INFORMATION SUB-COMMITTEE

23 November 2020 8pm.

MINUTES

Present:

Councillors: Cllr. Ross (Full Council Chair), Cllr. Westin (Sub-Committee Chair), Cllr. Murphy, Cllr. Hall

Clerk and RFO: Mr S Baxter

Members of the public: None

Meeting commenced at 8.10pm

AGENDA ITEMS

1. Welcome by the Chair of the Sub-committee to all Councillors and members of the public sitting in observation

The Chair welcomed all, including the new Clerk and checked all Councillors were able to see, hear and be heard as the meeting was held via a digital format.

2. Members of the public participation – this will be limited to 10 minutes and each member of the public will have a maximum time of three minutes. This is at the discretion of the Chair of the Sub-Committee.

The Chair asked for any comments from any members of the public – none were forthcoming as no members of the public were in attendance.

3. Motion to exclude members of press and public from participation – but can observe

The agenda point was proposed by the Clerk to be withdrawn by the Sub-Committee Chair as there was no members of the public in attendance. The Chair agreed - this was through the Chair's delegated powers.

4. Apologies for absence from Councillors

No apologies were forthcoming – all members of the Sub-Committee were in attendance.

5. Declarations of interest – for the Council to note and dispensations presented to the Clerk and any resolution

No declarations of interest were forthcoming – either in the meeting nor by the Clerk prior to the meeting.

6. Minutes of the last Sub-Committee on the 26 October 2020 – to confirm that the minutes are a true and accurate record

- ***Motion to agree the accuracy of the minutes and that they were a true and accurate record was proposed, seconded and agreed unanimously. Motion carried.***



7. Motion to exclude members of the public and press as following items are confidential

The agenda point was proposed by the Clerk to be withdrawn by the Sub-Committee Chair as there was no members of the public in attendance. The Chair agreed - this was through the Chair's delegated powers.

8. Discussion of item number one on the FOI request received from resident – motion to agree action

The Councillors discussed the fundamental main issue of the signing of Mrs Elaine Ward's acceptance of position form. The audit challenge had stated that the form was not signed within the necessary timeframe all Councillors elected to the position of Councillor are required.

Cllr Ashton stated that he had received advice from ERNLLCA and from the Head of Legal at ERYCC that the allegation that Mrs Ward not signing the form in time was factually correct. Cllr Ashton continued by stating that the previous administration had received this advice prior to the election – as confirmed by ERNLLCA. It was also confirmed to him that an extension could have been granted in the timeframe but that this had not been included in any minutes that an extension was granted.

- *Motion was placed to agree that the audit challenge of the acceptance of Office of Councillor form not being signed in the statutory timeframe by Mrs Elaine Ward resulting in her office of Councillor being considered vacant was proposed, seconded and agreed unanimously.*

The Council agreed that while it was very unfortunate that Mrs Ward was not given the advice from the previous administration in ensuring the form was signed within the statutory timeframe, the bare fact was that the form had not been signed in time and thus Mrs Ward could not be considered a Councillor and thus the office of Councillor she temporarily held was now considered vacant. The Council may in due time consider to invite her back as a Councillor through co-option.

Action:

- The Clerk was asked if he would write to Mrs Ward to thank her for all her time and help in the Parish Council but that due to her not meeting the statutory timeframe of signing her acceptance of office form following her election as Councillor, that her office of Councillor would now be considered vacant and she would no longer be considered a Councillor of the Spaldington Parish Council.*
- Clerk to review the procedure of how Councillors are requested to sign acceptance of office forms in future*
- To the add the motion and decision by the Council to the full response to the External Auditor*



9. Discussion of item number seven on the FOI request received from resident – motion to agree action

There was a lengthy discussion on the audit challenge of there being some omissions or inconsistencies between payments recorded in minutes and the actual payments made. The Councillors discussed that this was under the previous administration but that the all financial accounts had been reconciled at the end of the year. The Councillors discussed the details of the various payments highlighted and the records kept – they felt that from a thorough review it may be more of a ‘admin error’ in the record minute keeping but that the challenge was fundamentally true; the minutes did not reflect the actual payments. They agreed that the process of agreeing payments (and what is recorded in minutes) at Council meetings was not as thorough as it ought to have been.

Cllr Ashton asked about the issue raised about the note of ‘Event Account’ for some expenditure. This was discussed by the Councillors and they asked for advice from the Clerk. All the Councillors agreed that as far as they are aware there has never been a separate bank account for any ‘Events’. They did feel that there was a possibility that the minutes should have stated ‘Events Budget’. They all discussed whether it was an admin error in the minutes. The Clerk did clarify that the minutes did not state ‘bank account’.

Overall the Council agreed that a better, more robust process in agreeing the payments at Council was needed.

- ***Motion to agree to the legitimacy of the audit challenge of the fact that some payments and minutes did not match was proposed, seconded and agreed unanimously.***

Action:

- The Clerk to review the process of how the payments that the Council need to expend are actually paid*
- The Clerk to write a policy of ‘Approving Payments at Council Meetings’ – this should ensure that only payments clearly noted in the agenda, then fully discussed by Councillors to which any decisions to authorise payments are then clearly minuted is ever paid.*
- The Clerk and Chair to always undertake a double check of any payments that need approving*
- To the add the motion and decision by the Council to the full response to the External Auditor*

10. Discussion of item number thirteen on the FOI request received from resident – motion to agree action

The discussion was in regard to number 13 of the FoI and audit challenge submitted by a local resident. The Council considered point 13 to be a summary of a lot of the issues that had been highlighted throughout the whole challenge. The basic element of this point 13 was that the Annual Internal Audit Report and the Internal Auditors checklist report had discrepancies and that there were numerous issues of the Council answering on the AGAR form which was incorrect. It was alleged the Internal Auditor had been persuaded to change his response when not appropriate and in effect misleading the community.



The Council agreed that when the various forms were completed by the previous administration, there were areas when different answers should have been given. In regard to the allegation of the Internal Auditor changing their response, the Council did not accept this as a blatant act, they had found him very helpful in all the issues raised previously. But the Council did agree that in future a lot of care must be taken when the statutory forms are completed to ensure that accuracy is maintained.

- *Motion to agree to the legitimacy of the audit challenge of the fact that some answers given on the statutory returns did not match the accuracy of the Internal Audit checklist was proposed, seconded and agreed unanimously.*

Action:

- i) Clerk to ensure that the motion of the Councillors to be included in the response to the External Auditors

11. Discussion to agree a full and detailed letter to the External Auditors in regard to the audit challenge

The discussion included the summary of all the External Audit report challenges that were linked to the FoI request. It was felt that overall that while a lot of the challenges have been fully accepted by the Council, they did feel that a lot of changes have been undertaken by the Council in the last few months in regard to ensuring that the issues would not likely be repeated and a lot of the issues were under a different administration.

The changes and improvements included hiring a new Clerk, formulating and proposing new policies & procedures, being more vigilant in the statutory returns and being more conscious of formal requirements. The Councillors did agree that a full response should be made to the External Auditor and explain to them the Council's response to each audit challenge.

The Council asked the Clerk to write a comprehensive letter to the External Auditors to explain the responses and ask that the recommendations and changes be considered when the External Auditor investigates the various challenges and makes any decisions. The Council asked that a draft letter to be presented (if possible) to the Council at the next Full Parish Meeting - if the Clerk needed more time the Council would be consider this favourably.

- *Motion to request that the Clerk of the Parish Council writes to the External Auditor to explain the Council's response to each audit challenge and to show the recommendations and any changes made to satisfy the issues going forward. This motion was proposed, seconded and agreed unanimously.*



Action:

- i) *The Clerk to review the minutes of the Sub-Committee meetings and the evidence the Council have reviewed. Then to draft a letter to the External Auditor and present this to the Council at the next Full Meeting in December of through an Extraordinary meeting if needed.*

12. Next Meeting date of the FoI Sub-Committee - TBC

The Councillors discussed the need for any additional meeting. No meeting was deemed necessary but should the Chair of the Sub-Committee feel the need, she would discuss this with the Clerk and one will be arranged. Should any of the Councillors in the Sub-Committee feel that another meeting of the Sub-Committee is needed then they should contact the Chair and the Clerk.

The Sub-Committee meeting was closed by the Chair of the Sub-Committee at 9.10pm.
