

Audit Committee

will preface the answers with the following observations:

The report is the Auditor's report and the confidentiality imposed on the draft was that of the auditor. As was made clear at the last meeting it was not open to officers to share more widely, as was also confirmed by the auditor at that meeting to members of the committee. That confidentiality was respected, indeed express authority was sought to publish the final report. The final report was published on the Authority's website on the day of receipt with the express authority of the auditor, as was the committee report.

The auditor required the CA officer response before publication which are the responses in the action plan.

The usual steps (as set out in the Audit and Accountability Act 2014) are to send the Audit report first to a full council meeting. Since the CA equivalent is the CA Committee with only a few members the monitoring officer agreed with the Auditor on this occasion that it could go first to the Audit Committee to help inform the CA Committee's preliminary discussions.

In most cases it would go first to the full council then to the Audit Committee for detailed consideration. That later step will still happen at a future meeting.

Questions for Officers

I understand that the responses to the comments are WECA officer responses. Can you advise what date The Metro Mayor was made aware of the report and saw its contents.

- The mayor was aware in general terms that a report was expected, indeed he had been interviewed by the auditor earlier in the year. He knew no detail until the evening of Wednesday 9 November (day of public publication) when the final embargo was lifted by the Auditor.

Can you advise what date the Unitary Authorities were made aware of the report and saw its contents

- The UAs would have been aware a report was being compiled by the auditor, the auditor will confirm who his team spoke to in the UAs. The auditor will be able to confirm if he advised the UAs in advance of his recommendations, otherwise it was upon public publication.

Was the metro mayor consulted on the covering report, the officer responses or the action plan

- No.

Given the issues raised relate to Shared working and working relationships, would it not have been helpful for Leaders or officers from the Unitaries to have contributed to the initial response.

- It was a report to the CA as a corporate body, to which officers of the CA who were asked for their management response replied. The CA Committee, which of course includes the UA leaders as ex officio members now has the opportunity to respond.

The concerns raised in this report were apparent over 12 months ago. If they were accepted then, why does the action plan indicate that steps will be taken in the New Year

- The steps within the control of officers have been completed. In terms of working together work has been ongoing. There is always more that can be done. Much lies outside the control of officers and it is now for all parties to decide if there is more they wish to do.

Would it not be appropriate for the action plan to indicate some urgency.

- It is worth noting that regardless of the auditor's recommendations his own analysis is that there has been no impact this year on performance.
- It is suggested that this is an unfair characterisation of the action plan. Where matters are within the control of officers they have been done. Where it involves relationships will always be a work in progress. If members have concerns that relationships between the constituent members and the CA remain strained these might be better directed to the CA Committee members for comment. In particular it might assist the committee if specific areas directly impacted by this issue could be highlighted.

Could you reconsider the comments to SR1 to include specific responses and an indication of measurable outcomes.

- Again it is worth noting that regardless of the auditor's recommendations his own analysis is that there has been no impact this year on performance. SR1 concerns issues of relationships and again this might be better directed to the CA Committee.

How can the response to SR2 be monitored by audit committee or scrutiny in a meaningful way

- The committees can call upon the CA Committee to keep them involved, which is one of the recommendations. In particular they can monitor and challenge performance and delivery by the CA and highlight areas for improvement and those affected by relationships issues.

Why has the protocol referred to in SR3 not already been posted

- It is a management protocol and has been operational since April (if needed) and has been shared with the auditor and the Chair of Audit in April and currently operates. For further transparency it will be posted on the website.

The response to KR1 fails to acknowledge the high level of interim appointments Does this not make the review of the management structure essential

- We are looking for permanent appointees for the 3 roles where we currently have interims in place. We are phasing the recruitment – the Director of Infrastructure posts is currently with head-hunters who are doing a search and they we will be advertising the role this week, We will be advertising the Director of Investment and Resources post in December and the Director of Legal in the spring. The challenge is not the structure, the challenge is attracting the level of experience and skill we need for these roles to successfully deliver the next phase of the Combined Authority.

Re IR2 There is widespread agreement that the Constitution is inappropriate as it stands and a recognition that the position with regard to North Somerset membership and the Joint Committee need to be resolved urgently. Scrutiny and Audit have repeatedly shared these cross-part concerns. What do we do to raise our concerns to ensure this is actioned

- The membership of the CA is an unrelated matter. The future of the Joint Committee and LEP is awaiting the resolution of the government Levelling Up proposals which have been delayed, it is expected that the government will be saying more on this shortly.

Re IR3, please advise the process for the annual performance review, ie who carries out the review for each senior officer and how the process is reviewed and followed up

- The CEO conducts the performance reviews for the SMT, the SMT conduct the performance reviews of their staff – with this approach cascaded right through the organisation. Performance reviews are regularly conducted at all levels – with annual formal appraisals and twice-yearly performance discussions. Staff surveys check that these reviews have been conducted.

Strategic Recommendation 1 - With regard to the anticipated protocol for future working, is there a timeline for this?

- Any additional work they agree is appropriate in addition to the work already undertaken will be a matter for the Mayor and UA leaders to determine.

Key Recommendation 1 - Will the management structure review of the CA be subject to a formal project with the objective of designing and implementing a target operating model?

- See answer above – a top management structure review is not a priority for the organisation at this time when we are focused on ensuring that we have the direction, plans and resources in place to deliver the funding we have attracting, particularly in transport, to deliver the projects and schemes to benefit our residents and region. We have made the existing structure work and have plans in place to recruit permanent directors – the challenge will be attracting the necessary calibre of candidates to these roles.

Key Recommendation 2 - Please provide clarity on the circumstances under which officers can contract for external legal advice without reference to the monitoring officer.

Improvement recommendation 2 -

- The CA has limited in-house resources. Legal advice is commissioned to support projects as required. It is made clear to solicitors instructed to support projects that they have to work within Standing Orders, the Constitution including financial and contract standing orders and that the Director of Law is the ultimate client and should be contacted in the event of any concerns. A full compliance report is issued and considered by the Director of Law before any matter is concluded.

Do the CA intend to review the constitution of other CA's when considering proposals for a revised constitution? Please indicate when it is expected that this review will be completed.

- The CA cannot unilaterally review the constitution. Any constitutional change requires the unanimous agreement of the Mayor and the CA UA representatives. Every one of the 10 MCAs has a different constitution and indeed powers as set out in the statutory instrument establishing them. It is a somewhat subjective view, but it is generally accepted that the West of England CA has one of the most restricted constitutions. In practice what makes a good constitution depends upon what its purpose is. Before changing the constitution there needs to be unanimous agreement across all members about the purpose and powers that the CA should have and exercise. That agreement on purpose and extent needs to be developed. Once that is agreed it can be codified in a revised constitution.