

## **TWEED SHIRE COUNCIL**

### **Report on the Review of certain expense claims by Councillors**

#### **Background**

On 2 February 2016, I was requested to review certain expense claims by a Councillor which the Mayor had declined to approve for reimbursement. Accordingly, those claims represented disputed decisions which were referred to the chair of the Audit Committee for review under clause 4.1.7 of the Councillors – Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy of the Council (version 1.9) (“the Policy”).

I attach as appendix 1, a schedule of the disputed decisions on the claims.

In my report dated 7 December 2015, I recommended that despite some deficiencies in the support for claims made, and because of inconsistencies and deficiencies in the Policy as it currently exists, that claims should continue to be reimbursed on the basis of past practice pending adoption of a revised policy.

The current disputed decisions have been referred for my review due to lack of information supporting the claims made which in some cases may be less than information previously provided

#### **My approach to the Review**

1. I have considered the amount of information provided to support the claims made for “site visits”. If I conclude that the information provided is inadequate, I then consider whether detail provided is consistent with past practice to determine whether I will continue to recommend that reimbursement should be made pending the adoption of a revised policy.
2. I obtained copies of four previous expense claims by Councillor Byrne to assess whether the detail provided on the claims now disputed was no less than information provided on claims previously made by that Councillor and subsequently reimbursed

#### **Final Conclusions**

I have considered each disputed decision separately and reached a preliminary conclusion that on the information provided, all claims for site visits should be rejected. I set out my reasoning and in the following section – Preliminary Conclusions on the Disputed Decisions.

However, for reasons that I set out in my report dated 7 December 2015, these expense claims which are the subject of the disputed decisions should continue to be reimbursed pending adoption of the amended policy as the amount of detail provided is consistent with past claims by Councillor Byrne which have been approved and reimbursed.

Due to the paucity of detail provided on the claim forms, I do not know whether any claims identified solely with a location name or words “site visit” constitute meetings with developers or their consultants relating to development decisions. If they do, I can only assume that the requirements of the Code of Conduct have been complied with elsewhere. The relevant extract is as follows:

*“Meetings with Developers and/or Consultants*

*7.23 Councillors and administrators will complete a file note of any meetings with developers or their consultants which relate to development decisions that are likely to come before the Council. (Council resolution 21 March 2013 No 118)”*

On adoption of the new policy, I recommend that the claiming and approval processes be reviewed so that there is an obvious and adequate cross reference between detail provided on the claim form and file notes required for compliance with the Code of Conduct

### **Preliminary Conclusions on the Disputed Decisions**

The information provided on the expense claim forms for each of the disputed decisions for claims for “site visits” and location names is scant and in my opinion inadequate to support the claim. The details provided fall short of an acceptable level of evidence by a reasonable commercial standard of governance and I therefore conclude that the disputed decisions not to approve reimbursement of all of these claims is appropriate. Where claims are for site visits and another matter such as “attendance council”, I cannot identify what portion of the claim should be rejected, therefore support the Mayors decision to reject the complete item if no further information is provided

### **Final conclusions on the disputed decisions**

1. Having concluded that the information provided to support the claims is inadequate, I therefore consider whether the information provided is consistent with past claims of Councillor Byrne which have been reimbursed. If I conclude that the information is consistent, I will continue to recommend that the claims be reimbursed pending adoption of a revised policy.
2. I reviewed previous expense claims by Councillor Byrne as follows
  - June 2015
  - July 2015
  - October 2015
  - November 2015

The first two months were approved by then Mayor, Councillor Bagnall. The final two months were approved by Mayor Milne.

3. The amount of detail on the claim forms for the four months above is consistent with the amount of detail on the current disputed decisions. Accordingly, I continue to recommend that the claims be reimbursed notwithstanding the obvious deficiencies in the detail provided.

C S Wight

Chair, Audit Committee

16 February 2016

## Appendix 1

### **Schedule of disputed decisions on expense claims referred for review**

#### **Councillor Byrne**

1. 3 December 2015 - claim for 68km [Planning meeting and site visit [M'bah]]
2. 11 December 2015 - claim for 24km [Tweed]
3. 19 December 2015 - claim for 59km [Site visits]
4. 30 December 2015 – claim for 26km [indecipherable]
5. 31 December 2015 - claim for 32km [site visit [Terranora]]
6. 7 January 2016 - claim for 28km [site meeting [Tweed]]
7. 14 January 2016 - claim for 22km [site meeting [Sth Tweed]]
8. 15 January 2016 – claim for 84km [opening Archibald + site visits [Burr/M'bah]]
9. 18 January 2016 - claim for 62km [attendance council and site visit]