

15 January 2010

Private and Confidential

Mr Vernon Hitchman
Solicitor
Bath & North East Somerset Council
Guildhall
High Street
Bath
BA1 5AW

Dear Mr Hitchman

Bath & North East Somerset Council: audit of accounts for the year ended 31 March 2009 (re. appointment of xxxx)

Please find enclosed with this covering letter a copy of my letter to xxxx which sets out my Final Decision on his Objection to the appointment of xxxxx.

You will see from my letter that I have decided not to make an application to the court for a declaration that this is an unlawful item of account. I do not consider that I should make a report in the public interest.

However, you will see that I have commented on some weaknesses in the Council's record keeping concerning the appointment of xxxxx. In the general scheme of things and the context of a large council these weaknesses are not significant but I feel they have probably contributed to the objection from xxxx and are something the Council would wish to take appropriate action in future. In my view, the weaknesses are:

- no contractual documentation for the appointment of xxxx:
- general lack of written records of xxxx appointment or the manner or basis of the decision;
- the length of time (6 months) between appointment of xxxx and a written record by the Council: and
- the need to retain appropriate evidence, obtained at the time of the appointment, in order to support the value-for-money criteria.

I have decided that it would be appropriate and proportionate to deal with these matters in one of my regular public reports to the Council. I plan, therefore, to issue this letter as an addendum to my Annual Audit Letter for 2008/09 and I will make arrangements to present this letter (but amended so that it does not refer to the identity of the objector and xxxx) at the next meeting of the Council's Audit Committee.

Yours sincerely

Mr Stephen Malyn
District Auditor

Encl Letter to xxxx dated 15 January 2010