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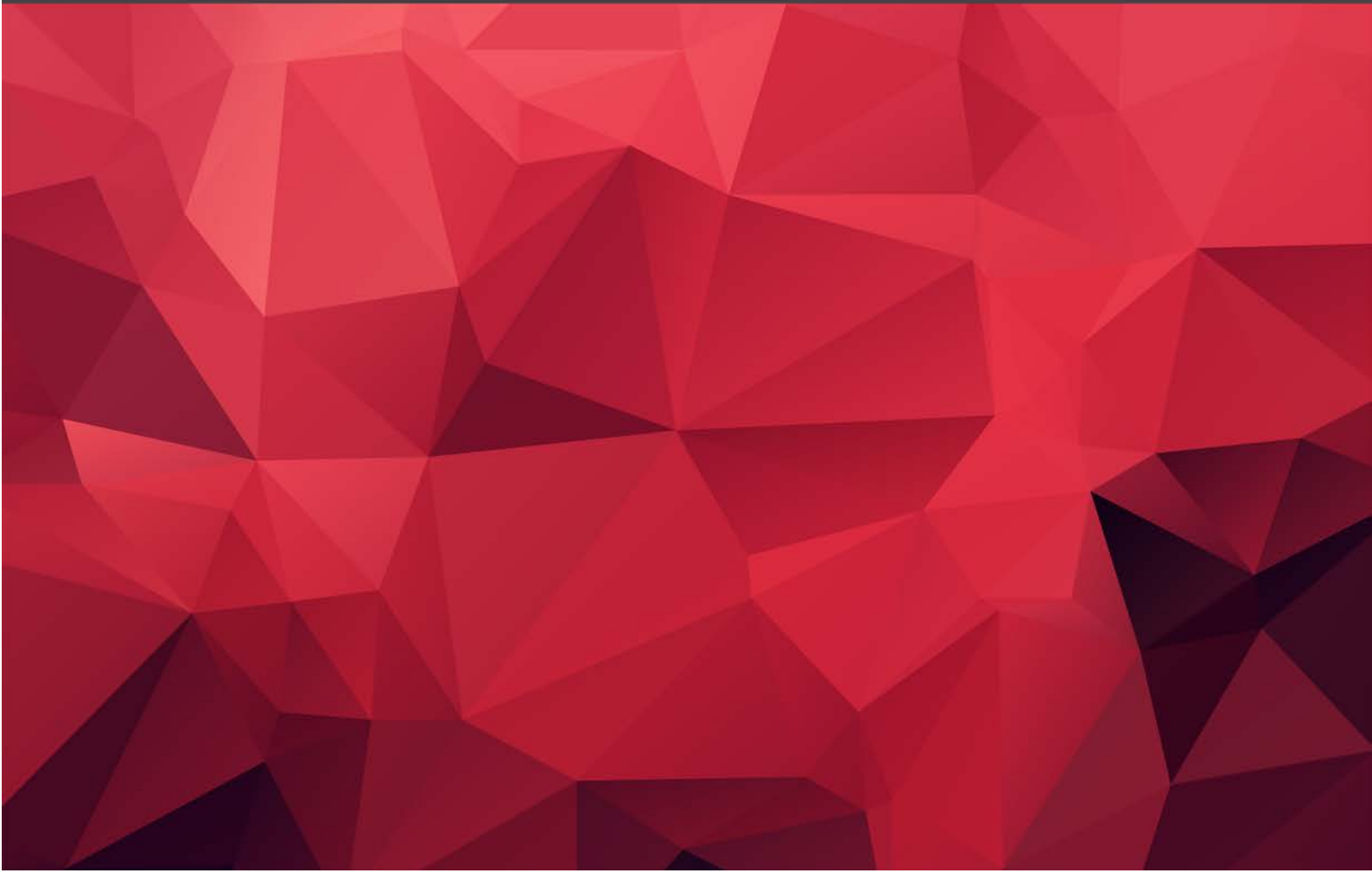
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Auditor General for Wales

# Overview and Scrutiny – Fit For the Future? – **Vale of Glamorgan Council**

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The team who delivered the work comprised Ian Phillips, Gareth Jones and Sara-Jane Byrne under the direction of Huw Rees.

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# Summary report

## Summary

- 1 This review explored with each of the 22 councils in Wales how ‘fit for the future’ their scrutiny functions are. We considered how councils are responding to current challenges, including the Wellbeing of Future Generations Act 2015 (WFG Act) in relation to their scrutiny activity, as well as how councils are beginning to undertake scrutiny of Public Service Boards (PSBs). We also examined how well placed councils are to respond to future challenges such as continued pressure on public finances and the possible move towards more regional working between local authorities.
- 2 As part of this review we also reviewed the progress that councils have made in addressing the recommendations of our earlier National Improvement Study **Good Scrutiny? Good Question?** (May 2014) (see [Appendix 2](#)). We also followed up on the proposals for improvement relevant to scrutiny that we issued in local reports including those issued to councils as part of our 2016-17 thematic reviews of Savings Planning and Governance Arrangements for Determining Significant Service Changes.
- 3 Our review aimed to:
  - identify approaches to embedding the sustainable development principle into scrutiny processes and practices to inform practice sharing and future work of the Auditor General in relation to the WFG Act;
  - provide assurance that scrutiny functions are well placed to respond to current and future challenges and expectations;
  - help to embed effective scrutiny by elected members from the start of the new electoral cycle; and
  - provide insight into how well councils have responded to the findings of our previous Scrutiny Improvement Study.
- 4 To inform our findings we based our review methodology around the Outcomes and Characteristics for Effective Local Government Overview and Scrutiny that were developed and agreed by scrutiny stakeholders in Wales following our previous National Improvement Study **Good Scrutiny? Good Question!**<sup>1</sup>
- 5 We carried out our fieldwork between October 2017 and February 2018. We undertook document reviews, interviewed a small number of key officers and ran focus groups with key councillors to understand their views on Vale of Glamorgan Council’s (the Council) current scrutiny arrangements and in particular how the Council is approaching and intends to respond to the challenges identified above.

<sup>1</sup> [Good Scrutiny? Good Question! Auditor General for Wales improvement study: Scrutiny in Local Government May 2014](#)

- 6 We observed a sample of scrutiny meetings and reviewed relevant meeting documentation provided to members to support their scrutiny role, such as reports and presentations.
- 7 In this review we concluded the Council has changed its scrutiny arrangements but should consider opportunities for its scrutiny function to work differently to respond to current and future challenges and have greater impact. We came to this conclusion because:
- The role of scrutiny in council governance is clearly defined, but in practice scrutiny committees do not routinely hold the Cabinet to account as effectively as they could and there is scope to review the type of scrutiny support
  - Scrutiny committee meetings are generally well-run, but the focus of scrutiny activity and methods used could be strengthened to make more effective use of resources; and
  - The Council monitors and reports on the work of its scrutiny function, but evaluation is not fully focussed on the impact and value that it can add.

## Proposals for improvement

- 8 The table below contains our proposals for ways in which the Council could improve the efficiency and effectiveness of its overview and scrutiny function to make it better placed to meet current and future challenges.

### Exhibit 1: proposals for improvement

Proposals for improvement	
P1	<b>Skills and Development:</b> The Council should further consider the skills and training that scrutiny members may need to better prepare them for current and future challenges and develop and deliver an appropriate training programme.
P2	<b>Form and Governance:</b> The Council's scrutiny committees should ensure that where appropriate Cabinet members rather than council officers are held to account for the efficient exercise of executive functions in accordance with statutory guidance <sup>2</sup>
P3	<b>Function:</b> The Council should review the type of scrutiny support required to enable the scrutiny function to respond to current and future challenges.
P4	<b>Function:</b> The Council should explore different and more innovative methods for undertaking scrutiny activity.

<sup>2</sup> National Assembly for Wales, Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements 2006, July 2006, Paragraph 2.1.8

### Proposals for improvement

P5 **Function:** The Council should consider how its scrutiny activity can focus on those areas where it would have most value.

P6 **Function:** The Council should be more innovative in how it engages the public in its scrutiny activity.

P7 **Evaluation:** The Council should strengthen its evaluation of the impact and outcomes of its scrutiny activity and to learn from this in order to shape the future work of its scrutiny function.

# Detailed report

## The Council has changed its scrutiny arrangements but should consider opportunities for its scrutiny function to work differently to respond to current and future challenges and have greater impact

The role of scrutiny in council governance is clearly defined, but in practice scrutiny committees do not routinely hold the Cabinet to account as effectively as they could and there is scope to review the type of scrutiny support

- 9 The role of scrutiny is clearly defined, both in the Council's constitution and in the Scrutiny and Cabinet Roles and Responsibilities Protocol. Broadly, the role of scrutiny is defined as being: pre-decision scrutiny; making recommendations to full Council and/or Cabinet, policy development; considering matters affecting the local area; and post-decision scrutiny.
- 10 The Protocol also sets out the relationship between Cabinet and Scrutiny and the ways in which scrutiny committees can hold Cabinet to account. This includes the ability of scrutiny committees to call-in a decision, to call the Cabinet member to give evidence and identify areas of interest from the Cabinet forward work programme.
- 11 The Council particularly values the role of its scrutiny committees in its performance management arrangements. One of the objectives of the Council's Scrutiny and Cabinet roles and responsibilities protocol is 'to create a culture of holding the Cabinet to account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery, with a view to ensuring service improvements.' In 2016, the Council restructured its scrutiny committees as part of its early work in response to the Well-being of Future Generations (Wales) Act 2015 (the WFG Act). The work of the scrutiny committees is aligned to the Council's well-being outcomes and scrutiny committees receive performance information that relate to one of the Council's well-being outcomes.
- 12 Each scrutiny committee receives quarterly performance reports. The Council has recently changed the way it reports performance to its scrutiny committees making the information more visual and easier to understand the complexity of the

Council's activities, how they contribute to the outcomes contained in the Council's corporate plan and the national well-being goals and to properly assess whether outcomes are being achieved.

- 13 However, our review suggests that there is scope to ensure that scrutiny roles are strengthened in practice, in particular in relationship to holding Cabinet to account. We found that officers, rather than Cabinet members, generally attend scrutiny committees to present reports and answer questions and be held to account. The Cabinet members are, therefore, not routinely being held to account by the Council's Scrutiny committees. For example, we would expect Cabinet members to be called to be held to account when performance reports are being considered by scrutiny.
- 14 We analysed the pattern of Cabinet member attendance at the Council's scrutiny committees since the May 2017 election to the end of February 2018. We found that attendance by Cabinet members was variable between the five scrutiny committees. One scrutiny committee had a Cabinet member in attendance for all meetings whereas another scrutiny committee did not have any Cabinet Member in attendance for any meetings during the year.
- 15 In order to fulfil their role effectively, Scrutiny Committees need to ensure they regularly invite Cabinet members to attend in order to hold them to account appropriately. The **National Assembly for Wales Guidance For County And County Borough Councils In Wales On Executive And Alternative Arrangements (2006) No. 5** (see Footnote 2) may act as a useful reference for the Council to consider, which states: "Overview and scrutiny committees are able to require officers to attend to answer questions about and discuss the discharge of executive or non-executive functions. The executive and overview and scrutiny committees should always bear in mind that it is for the elected executive to answer questions about its policies and decisions. When officers appear to answer questions their contribution should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions....." This Guidance also identifies that the role of councillors exercising overview and scrutiny includes: "to hold the executive to account for the efficient exercise of executive functions – especially the performance of the executive as measured against the standards, objectives and targets set out in the policies and plans which it is implementing."
- 16 In addition, our 2014 national improvement study report **Good Scrutiny? Good question!** (see Footnote 1) stated that 'Scrutiny committees are unlikely to effectively hold the executive to account if Cabinet members are rarely invited to attend scrutiny committee meetings to answer questions or provide evidence'.
- 17 To gain an understanding of the environment in which scrutiny operates, we also looked at the training opportunities available to scrutiny members. The Council provided an extensive and well-attended member development programme following the local government elections in May 2017. The programme was well-received by members and covered topics, such as questioning, Treasury Management and scrutiny chairing skills.



- 18 The training programme also included sessions on the WFG Act. Most members we spoke to as part of this review felt well-placed to consider WFG implications in their scrutiny role. However, most members would also welcome further training in scrutinising budgets. There is also scope for the Council to consider what skills and knowledge scrutiny members need to respond to current and future challenges, such as continued pressure on public finances and the potential for increased collaborative working partners, and to provide appropriate training. This will be particularly important as the Council's Reshaping Services programme continues to cover more transformational aspects. It is a matter for the Council to determine the content of training programmes. However, there is an opportunity for the Council to consider whether further training in areas such as options appraisals, financial analysis, scrutinising regional, collaborative and commercial arrangements, and engaging ward members and stakeholders in scrutiny work would enable councillors to be better placed to meet current and future challenges.
- 19 As part of our review, we considered the support available to scrutiny members. We found that scrutiny members value the support provided by the Council's Democratic Services officers. This support tends to consist of organising meetings, preparing reports and undertaking research. However, there has been one long-term vacancy within Democratic Services, which has recently been filled, but it has meant that capacity has been reduced. Our **Corporate Assessment** report published in August 2016<sup>3</sup> identified that "scrutiny officer capacity has limited the number of 'task and finish' scrutiny reviews in recent years." This remains the case. During the course of our latest review, members expressed the view that they would like to run more task and finish groups but the lack of scrutiny officer capacity was preventing this from happening. With reduced capacity and in light of current and future challenges, the Council should consider the type of support needed for its scrutiny activity in order to make best use of this support. This is linked to the point we make in paragraphs 25 and 33 of this report, which challenges the Council to consider different and more innovative ways of carrying out scrutiny activity.
- 20 As part of our review, we also considered how councils are beginning to undertake scrutiny of Public Service Boards (PSB). The Council's Corporate Performance and Resources Scrutiny Committee is principally responsible for scrutinising the PSB and has undertaken some early scrutiny of the PSB. The Council plans for the other four scrutiny committees to become involved in scrutinising the PSB depending on the subject matter.

<sup>3</sup> [Vale of Glamorgan Council: Corporate Assessment Report 2016](#)

## Scrutiny committee meetings are generally well-run, but the focus of scrutiny activity and methods used could be strengthened to make more effective use of resources

- 21 The scrutiny committee meetings we observed were well-ordered and business-like. The atmosphere was constructive and the chairing of meetings was generally effective.
- 22 The Council recognises it needs to do more to facilitate public involvement in its scrutiny activity, and it has published a **Scrutiny - Public participation guide**<sup>4</sup>. It is positive that members of the public have been engaged in matters of particular local significance, such as the Dinas Powys bypass and the Biomass waste issues. However, public participation in the work of scrutiny committees was described to us by some members as 'variable to low'. There is scope for scrutiny committees to be more innovative in how they engage the public in their work. This could include, for example, finding out what concerns the public have as an integral part of how scrutiny committees plan their work.
- 23 As part of our review, we also looked at the scrutiny committees' work programmes and the range of items considered by the Council's scrutiny committees. In our national local government study report **Good Scrutiny? Good Question!** (see **Footnote 1**) published in May 2014 we recommended that councils should further develop scrutiny forward work programing to :
- provide a clear rational for topic selection;
  - be more outcome focussed
  - ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and
  - align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.
- 24 The Council's scrutiny support staff develop the scrutiny committees' forward work programmes together with the Scrutiny Committee Chairs, Vice Chairs, officers and relevant Directors.
- 25 The Council's Scrutiny and Cabinet Roles and Responsibilities Protocol states that 'Scrutiny is most effective when it is focused on a limited number of in-depth topics and priorities. When considering agenda items, Scrutiny Committees should have regard to the likely value and impact gained from any report or review. This will need to be carefully balanced against the time and resources required to undertake the activity.' We found that Scrutiny committees generally consider a balance of agenda items, including pre-decision and post-decision scrutiny but there remains scope for the Council to improve the prioritisation and focus of scrutiny committees' forward work programmes. For example, some agenda items are described in the

<sup>4</sup> [Vale of Glamorgan Council Scrutiny Public Participation Guide](#)

covering reports as simply being for the scrutiny committees to note and lack an outcome focus. In line with the recommendation made in our May 2014 **Good Scrutiny? Good Question! Report (see Footnote 1)**, the Council needs to ensure items are outcome focused and that the method of scrutiny is best suited to the topic area and the outcome desired. We found limited evidence that scrutiny committees reflect on the best method of scrutiny activity before considering topics.

- 26 As such, Scrutiny members need to take greater ownership of the scrutiny committees' forward work programmes and agendas so that they are focused on those areas where they can add most value. Some other councils have limited the number of agenda items considered by its scrutiny committees or consider one topic per meeting to enable more detailed consideration of those items. Limiting the number of items might also enable the Council's scrutiny function to consider a wider range of views and evidence in relation to each topic.
- 27 In our report **Good Governance When Determining Significant Service Changes** published in July 2017<sup>5</sup>, we made a proposal for improvement that the Council should include more information in Cabinet and Scrutiny forward work programmes of the detail and purpose of forthcoming items (including, but not limited to, service changes proposals) to improve the transparency of arrangements and opportunities for stakeholders to engage in decision making. The Council publishes its scrutiny committee work programmes on its website and those forward work programmes specify which items also form part of the Cabinet forward work programme. Similarly, the Cabinet forward work programme sets out if an item has been subject to scrutiny consideration or not. However, we also found that the forward work programmes continue to lack detail. For example, the work programmes do not set out the rationale for items or how the item will be scrutinised. This does not facilitate public engagement. The Council has therefore not yet fully addressed our proposal for improvement from our report in July 2017.
- 28 We are also aware that there have been recent examples where scrutiny members did not have an opportunity to carry out pre-decision scrutiny of some items, such as the Income Generation and Commercial Opportunities Strategy 2017-20 and an item about the procurement of refit works for Council assets. These items were subsequently called-in by scrutiny. The Council may need to consider whether there is a need to improve dialogue between the Cabinet and scrutiny committees to enable committees to contribute to decision-making in a more timely manner.

<sup>5</sup> [Vale of Glamorgan Council: Good Governance when Determining Significant Service Changes July 2017](#)

## The Council monitors and reports on the work of its scrutiny function, but evaluation is not fully focussed on the impact and value that it can add

- 29 In our **Good Scrutiny? Good Question!** local government study report (see Footnote 1), published in May 2014, we recommended that councils ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.
- 30 The Council's scrutiny committees submit an annual report to full Council that summarises the work of the scrutiny committees during the year. The Scrutiny annual report 2016-17<sup>6</sup> was taken to Council in September 2017. The annual report describes some of the outcomes achieved from scrutiny activity, such as the scrutiny function's influence over service changes like the meals on wheels service, the ongoing accountability of underperforming schools and the role of scrutiny in the decision making process regarding the proposed closure of the Rhoose Road respite facility. However, the report largely describes the activities of scrutiny committees rather than evaluating the impact of their activities.
- 31 In addition to its scrutiny annual report, each scrutiny committee receives a quarterly report setting out the progress with the recommendations and requests they have previously made. This is a useful mechanism which the scrutiny function could draw upon to inform its annual report and to better evaluate the impact of its scrutiny activity.
- 32 During our review, members and officers cited some examples where the scrutiny function has had a positive impact and added value to the Council's arrangements. Examples provided included the Dinas Powys bypass and Biomass development issues. However, the examples provided were not extensive.
- 33 In common with many other councils in Wales, the majority of scrutiny activity takes place at formal committee meetings where officer reports are considered. The outcome of discussion of agenda items at these scrutiny committees meetings is not always evident or with no obvious outcome as a result of the scrutiny activity. Linked to our point in paragraph 25 above, there is scope for the Council to consider the methods and focus of the work of the scrutiny function on items that it can have most influence and impact. For example, the Environment and Regeneration Scrutiny Committee regularly receives civil parking enforcement updates, but the extent to which scrutiny members can influence this issue is limited. The Home and Safer Communities Scrutiny Committee has also received presentations from Housing Solutions and Llamau Services but it is unclear what the role of scrutiny was in receiving these.
- 34 The Council's Corporate Plan sets out that 'We recognise the need to listen to our citizens and partners and to embrace innovation in order to maintain priority local

<sup>6</sup> [Vale of Glamorgan Scrutiny Annual Report 2016/17](#)

services and deliver our vision'. In order to do this, the Council has a transformational programme (Reshaping Services) and as part of this is exploring ways to enhance its digital solutions and opportunities for income generation. In this context, there is scope for the scrutiny function to play a more impactful and useful role in helping to drive the Council's transformation agenda.

- 35 **The 2017 Association for Public Service Excellence (APSE) report Accountability and Scrutiny – The issues for local government in a changing political environment**<sup>7</sup> found that one of the main barriers to scrutiny adding value was a lack of creativity. Whilst the Council has changed its scrutiny arrangements, scrutiny activity continues to be undertaken largely through formal committee meetings. The Council would benefit from exploring different and more creative ways of undertaking scrutiny activity to make the most effective use of available resources.

<sup>7</sup> Association for Public Service Excellence (APSE) report: Accountability and Scrutiny – The issues for local government in a changing political environment

# Appendix 1

## Outcomes and characteristics for effective local government overview and scrutiny

Exhibit 2: outcomes and characteristics for effective local government overview and scrutiny

Outcomes	Characteristics
What does good scrutiny seek to achieve?	What would it look like? How could we recognise it?
<b>1. Democratic accountability drives improvement in public services. 'Better Services'</b>	<b>Environment</b> i) Scrutiny has a clearly defined and valued role in the council's improvement arrangements. ii) Scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provide Scrutiny members with high-quality analysis, advice and training. <b>Practice</b> iii) Overview and Scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives. <b>Impact</b> iv) Overview and scrutiny regularly engages in evidence based challenge of decision makers and service providers. v) Scrutiny provides viable and well evidenced solutions to recognised problems.

Outcomes	Characteristics
<p><b>What does good scrutiny seek to achieve?</b></p>	<p><b>What would it look like? How could we recognise it?</b></p>
<p><b>2. Democratic decision making is accountable, inclusive and robust. 'Better decisions'</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny councillors have the training and development opportunities they need to undertake their role effectively.</li> <li>ii) The process receives effective support from the Council's Corporate Management Team which ensures that information provided to scrutiny is of high quality and is provided in a timely and consistent manner.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>iii) Scrutiny is Member led and has 'ownership' of its work programme taking into account the views of the public, partners and regulators whilst balancing between prioritising community concerns against issues of strategic risk and importance.</li> <li>iv) Stakeholders have the ability to contribute to the development and delivery of scrutiny forward work programmes.</li> <li>v) Overview and scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>vi) Non-executive Members provide an evidence based check and balance to Executive decision making.</li> <li>vii) Decision makers give public account for themselves at scrutiny committees for their portfolio responsibilities.</li> </ul>
<p><b>3. The public is engaged in democratic debate about the current and future delivery of public services.</b></p>	<p><b>Environment</b></p> <ul style="list-style-type: none"> <li>i) Scrutiny is recognised by the Executive and Corporate Management team as an important council mechanism for community engagement.</li> </ul> <p><b>Practice</b></p> <ul style="list-style-type: none"> <li>ii) Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</li> <li>iii) Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</li> <li>iv) Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</li> </ul> <p><b>Impact</b></p> <ul style="list-style-type: none"> <li>v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.</li> </ul>

# Appendix 2

## Recommendations from the report of the Auditor General's national improvement study 'Good Scrutiny? Good Question?' (May 2014)

Exhibit 3: recommendations from **Good Scrutiny? Good Question?** Scrutiny Improvement Study

Recommendation	Responsible Partners
R1 Clarify the role of executive members and senior officers in contributing to scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R2 Ensure that scrutiny members, and specifically scrutiny chairs, receive training and support to fully equip them with the skills required to undertake effective scrutiny.	Councils, Welsh Government, Welsh Local Government Association
R3 Further develop scrutiny forward work programming to : <ul style="list-style-type: none"> <li>• provide a clear rationale for topic selection;</li> <li>• be more outcome focussed</li> <li>• ensure that the method of scrutiny is best suited to the topic area and the outcome desired; and</li> <li>• align scrutiny programmes with the council's performance management, self-evaluation and improvement arrangements.</li> </ul>	Councils
R4 Ensure that scrutiny draws effectively on the work of audit, inspection and regulation and that its activities are complementary with the work of external review bodies.	Councils, Staff of the Wales Audit Office, CSSIW, Estyn
R5 Ensure that external review bodies take account of scrutiny work programmes and the outputs of scrutiny activity, where appropriate, in planning and delivering their work.	Staff of the Wales Audit Office, CSSIW, Estyn



Recommendation	Responsible Partners
R6 Ensure that the impact of scrutiny is properly evaluated and acted upon to improve the function's effectiveness; including following up on proposed actions and examining outcomes.	Councils, Welsh Government, Welsh Local Government Association
R7 Undertake regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Overview & Scrutiny Officers' Network.	Council
R8 Implement scrutiny improvement action plans developed from the Wales Audit Office improvement study.	Councils
R9 Adopt Participation Cymru's 10 Principles for Public Engagement in improving the way scrutiny engages with the public and stakeholders.	Councils

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