



Rialtas na hÉireann
Government of Ireland

LOCAL GOVERNMENT AUDIT SERVICE

Statutory Audit Report

to the

Members of Waterford City and County Council

for the

Year Ended 31 December 2019

Department of Housing, Local Government and Heritage

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AUDITOR'S REPORT TO THE MEMBERS OF WATERFORD CITY AND COUNTY COUNCIL

1. Introduction

I have audited the Annual Financial Statement (AFS) of Waterford City and County Council for the year ended 31 December 2019, which comprise the Statement of Accounting Policies, Statement of Comprehensive Income, Statement of Financial Position, Funds Flow Statement and notes to and forming part of the accounts. The financial reporting framework that has been applied in its preparation is the Code of Practice and Accounting Regulations for Local Authorities, as prescribed by the Minister for Housing, Local Government and Heritage.

My main statutory responsibility, following the completion of the audit work, is to express my independent audit opinion on the AFS of the Council, as to whether it presents fairly the financial position at 31 December 2019 and its income and expenditure. My audit opinion, which is unmodified, is stated on page 3a of the AFS.

The Council is by law, responsible for the maintenance of all accounting records including the preparation of the AFS. It is my responsibility, based on my audit, to form an independent opinion on the statement and to report my opinion. I conducted my audit in accordance with the Code of Audit Practice. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the AFS. It also includes an assessment of the significant estimates and judgements made by the Council's management in the preparation of the AFS, and of whether the accounting policies are appropriate to the Council's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations, which I considered necessary to provide sufficient evidence to give reasonable assurance that the financial statement is free from material misstatement, whether caused by fraud or error.

This report is prepared in accordance with Section 120(1) (c) of the Local Government Act, 2001 and should be read in conjunction with the audited AFS.

2. Non – adjusting post balance sheet event – COVID-19

In accordance with Circular Fin 05/2020, the local authority has included a note in their Annual Financial Statements (see note 23) in relation to COVID-19. This note refers to the impact of COVID-19, a non-adjusting post balance sheet event, and describes the uncertainty faced by the local authority as a result.

Whilst my opinion is not qualified as a result of the uncertainty, I have included an Emphasis of Matter paragraph.

The COVID-19 outbreak and the emergency measures taken to mitigate it have had a significant impact on the finances of local authorities' post year-end. This has resulted in a reduction in, and uncertainty of, various income sources, together with increased levels of spend. Reductions in income have also had a bearing on the cash flow of the local authority and the ability to deliver services.

The local authority has taken a number of steps to address these at both local and national level including:

- Participation and preparation of data for the submission of acute financial management reports to the Department highlighting financial impact of COVID-19 on local authorities.
- Participation in and actively encouraging eligible businesses to engage with national schemes including:
 - Commercial Rates Waiver to qualified ratepayers.
 - Restart Grants.
 - Business Continuity Voucher Scheme.
 - Street Furniture Grants.
- Undertaking financial reviews and reporting to Members in September 2020 setting out the variance from the Annual Budget of the impact of COVID-19 at over €2.2m
- Undertaking a financial review of related companies and entities to establish the risks and potential exposure to the Council from operational losses and loan guarantees.

Chief Executive's Response

Circumstances around the pandemic are challenging but we are adapting with considerable Government support to ensure financial sustainability for the organisation, while lending as much help as possible to hard pressed businesses and individuals in the community.

3. Financial Standing

3.1. Statement of Comprehensive Income

Expenditure and income for the year both increased by over €7.5m, reflecting increased operational activity. The net surplus for the year amounted to €892k after transfers to reserves of €4.6m, reducing the Council's General Revenue deficit to €5.79m. The outturn continued the Council's practice of achieving small annual reductions in the deficit over an extended period while maintaining services.

The Council does not have its own surplus funds to deal with the impact of COVID-19 on its finances, which is likely to continue into, at least, the medium term. Nonetheless, the continued reduction of the deficit must remain a key objective of management as the Council records one of the highest revenue deficits compared with other local authorities.

Chief Executive's Response

The increases in income and expenditure was mainly related to additional grant allocations and related works. The reduction in the deficit is proportionate and continues the downward trend towards the elimination of the deficit. An accelerated reduction of the deficit needs to be balanced against the backdrop of increased demands for services. The supports provided by central government during 2020 may enable a further reduction of the deficit

3.2. Variances from Annual Budget

Significant variances between the AFS and the annual budget were again recorded in Note 16 to the AFS amounting to €2.1m and €3.1m for income and expenditure respectively. While acknowledging the improvement on previous years, management should work to further minimise the variances through improved adherence to budget and financial

oversight processes.

Included in the variance were additional transfers to reserves of €1.23m that were not provided for in the annual budget. The additional expenditure and transfers were approved by the Members, in accordance with Section 104 of the Local Government Act 2001, at their meeting in September 2020.

Chief Executive's Response

Expenditure exceeded budget to the tune of €2.168M. This represents 1.6% of the total budgeted expenditure. This, however, was more than offset by income, which exceeded budget by €3.06M or 2.1%. The vast amount of over expenditure occurred within the Housing & Roads departments and were a direct result of additional funding becoming available in 2020. While we acknowledge requirement to control our costs, we believe this has been materially achieved.

3.3. Rates on Irish Water (IW) Infrastructure

During 2019, the Council was advised that the annual compensation in respect of the exemption of IW related infrastructure from rates (€4m), which they had received for the last number of years, would cease. A final compensation amount of €2m was paid in late 2019, in respect of 2020. This facilitated the adoption of the annual budget for 2020 and is included in deferred income.

Chief Executive's Response

The Irish Water rates issue is being addressed in the context of Budget 2021.

3.4. Shared Ownership Loans

As previously highlighted, the Council makes an adjustment between the Statement of Comprehensive Income and Note 3 to the AFS. This adjustment, which has been undertaken for the last few year, is to compensate for historical movements in interest rates and its effect on the rented equity balance of housing loans.

At audit, a schedule listing the individual customer loan accounts underpinning the adjustment which had increased to €1.9m was presented. However, I have requested management to clarify the appropriateness of this accounting treatment with the Department.

Chief Executive's Response

It is our view that this treatment is prudent, and we do not believe it is in any way at odds with the Accounting Code of Practice. However, we will seek clarity and confirmation from the General Accounts Working Group.

3.5. Statement of Financial Position (Balance Sheet)

At December 2019, a favourable net asset balance of €1.27m was recorded compared with a deficit of €8.5m the previous year. The Council recorded a favourable net current asset position for the first time since amalgamation in 2014. The improvement was attributable to

an increase in debtors and bank mainly due to the increased state grant funding of projects. During 2019, Council reduced its bridging finance by €2.5m. Nonetheless, the Council retains 'bridging finance' that has been in place since 2010, which should now be eliminated.

Chief Executive's Response

The Council redeemed a further €3m of "bridging finance" in January 2020 with further loan redemptions under active consideration before the end of 2020.

3.6. State Grant Claim for Works not completed

Included in Note 6 year-end trade creditors was an invoice for €889k that represented full payment for a roads contract that had commenced but not progressed. Following audit query, I was advised that the invoice was obtained, 'approved' but that payment was 'held' on instructions of project staff as the project stalled. The invoice was later reversed / cancelled in July 2020, as the contract had not progressed. A related state grant claim was submitted, approved and received as the 'invoice' was recorded as expenditure in 2019. At the date of audit, the Council retained the grant while the project remains to be completed. I have expressed my concern to management at the failure of their systems of internal control and supervisory oversight that allowed this transaction to be processed contrary to the grant conditions, public sector norms, the Accounting Code of Practice and the Council's own policies and procedures. Therefore, I have asked management to consider an appropriate internal review and to disclose this matter to the funding department.

Chief Executive's Response

An internal review is being completed and the matter will be disclosed to the funding authority.

4. Income Collection

A summary of the major collection yield and corresponding closing debtors, with comparative for the previous year, are as follows:

Income Source	Yield %		Debtors €m	
	2019	2018	2019	2018
Rates	82	80	9.2	9.1
Housing Loans	63	66	2.0	2.0
Rents and Annuities	77	78	4.1	4.1

The Council's income collection performance on its main collections did not record any significant improvement. Overall arrears increased by €2m to close at €15.3m, following adjustments of the 2018 amounts as disclosed on Appendix 7 to the AFS, (See paragraph 4.4 below). Income collection percentage yields across the broad range of Council services also remain to be improved.

Chief Executive's Response

It is acknowledged that collection rates need to be improved. However, historical arrears that have accumulated over time impact the collection performance reported. New procedures, resources, and management structures have been put in place in some of the key areas of collection. COVID-19 has impacted our ability to drive improvements we had targeted to achieve in 2020. However, we are now primed to achieve improvements in this

area.

4.1. Commercial Rates

The collection yield increased to 82%, while year-end arrears remained flat at €9.2m representing almost 30% of the annual rates income. Further improvement in the collection performance is required especially in some of the smaller urban areas. A key focus of management's attention should be a more consistent approach to customer arrears, vacant property and the calculation of rate refunds in order to improve the robustness of the collection process. At the date of audit, a considerable portion of the 2019 arrears remain unpaid, due mainly due to the impact of COVID-19. The collectability of these present a significant risk.

Chief Executive's Response

The improved collection rate of 82% has been primarily due to increased collections and is in line with targeted improvement agreed with NOAC. In addition, considerable work has been done to analyse and categorise all accounts. Additional management resources have been allocated to improve the collection along with revised procedures, policies and supervisory tools that will provide more detailed management information to enhance the collection yield. A standard approach to vacant property and vacancy calculations is now being applied. COVID-19 has impacted our ability to drive improvements we had targeted to achieve in 2020. However, we are now primed to achieve significant improvements in this area.

4.2. Rents and Rental Assistance Scheme (RAS)

There was a slight decrease in the rents collection yield for the year to 77%. Year-end rent arrears were €4.1m (net), comprising gross arrears €4.6m, customer credits of €423k, and a specific provision of €70k. Over the last three years an increase of €1m has been recorded in arrears with the collection performance one of poorest compared with other Councils. The rent charges are amongst the lowest in the country, (average €50pw), yet sixty customers recorded arrears in excess of €10k to a combined value of €855k. Other issues highlighted at previous audit that remained to be addressed included:

- The continued operation of three separate rent schemes.
- No accounting provision made for large backdated rental charges taken to income.
- An increase in the number of accounts with arrears in excess of €1,000 and a household income in excess of €500pw (Net). These arrears and customer accounts increased in both value and number to €1.5m and 316 respectively. These accounts represent some of the highest average arrears in the Council.
- Payment plans to recover arrears are extended over prolonged periods and should be more realistic.
- Financial adjustments made to customer accounts require improved oversight.
- A considerable portion of the rents records (44%) remain paper based and do not facilitate ready analysis.

I acknowledge that the Council has moved to improve its collection process and that the trend of receipts falling short of annual charges reduced in 2019. Nonetheless, further improvement is required as the long term trend of arrears continues upwards. During 2019, management increased its doubtful debts provision to €2.37m. However, as arrears continue to increase there remains an immediate need to either decisively improve the collection performance or further increase the provision.

Chief Executive's Response

A new Differential Rent Scheme is in place from November 2020, replacing the three schemes that operated previously. Measures in place to address arrears include legal enforcement, reduced maintenance service for tenants in significant arrears and payment plans. Additional measures are also being considered.

4.3. Housing Loans

Arrears amounted to over €2m (net) at year end. This comprised of gross arrears, which reduced marginally to €2.9m, a specific credit provision of €788k and customer credit balances of €122k. At year end, €1.9m of the arrears included 54 customers with arrears in excess of €20k, an increase on the previous year, while four accounts had arrears in excess of €50k.

The underlying trend in arrears remains upwards, highlighting a further deterioration in the collection yield to 63%. The Council continues to address individual balances through the various options including voluntary surrender, Mortgage Arrears Resolution Process (MARP) and Mortgage to Rent Scheme. However, slow progress was reported and there remains some customers who have not engaged in any of the options offered to reduce arrears or refinance. The total capital and revenue value of accounts over €20k in arrears amounted to €7.13m.

Chief Executive's Response

This area continues to be a focus of management attention in order to achieve a reduction in the underlying arrears. Initiatives commenced in 2018, have had a beneficial impact on some of the most difficult cases. This continues with appropriate loans being re-structured, entered into the MARP process and in the case of certain unsustainable loans a move to the Mortgage to Rent Scheme is encouraged. The credit provision of €788K as referenced to above has reduced from over €1.3m in 2017, and has to some extent masked underlying progress in this area. While progress has been made, some recent unexpected delays have occurred mainly due to some legal impediments and the temporary embargo on re-possession, due to the COVID-19 crisis. However, an improved collection rate is anticipated to be achieved in 2020.

4.4. Debtors and Provisions for Doubtful Debts

The doubtful debts provision is based on an annual assessment by management as a formal doubtful debts policy remains to be adopted. The 2019 provision, as stated in Note 5 to the AFS, was €13.7m, an increase of €4.56m on the previous year. This increase was partly due to the reclassification of €2m from specific provisions, previously held as credits within income collection accounts. These provision have now reduced from €2.8m to €800k, mainly in respect of housing loans and rents. The specific provisions effectively net down the total debtor arrears. I have previously requested that this use of these specific provisions cease as they impact the reported percentage collection yields.

Notwithstanding the reclassification, the overall provision increased by €2.56m across all income departments and included increases of: €875k for rents, €866k for rates, €394k for mortgage loans and €425k for general income.

Chief Executive's Response

We believe that a detailed review of each material ledger category, using aged debt analysis as a guide, to be the best methodology to calculate the quantum of provisions required. Provisions held as credits within the income accounts have reduced by over 70% and we will work to eliminate this completely. There was over €14.5M of provisions against invoiced trade Debtors included in the AFS. This represented more than 33% of the total invoiced trade debtors and we believe this was both prudent and adequate at that point in time.

5. Transfer of Water and Sewerage Functions to Irish Water (IW)

IW was allocated statutory responsibility for water production while the Council continues to deliver these functions by formal agreement. The income generated from the agreement remained broadly similar to previous years and underpins the Council's machinery yard operations and other establishment costs. Every effort should be made to finalising long standing issues with:

- A sinking fund related to a Design Building and Operate contract.
- Planning contributions recorded as due to IW.

Chief Executive's Response

We are seeking to finalise these matters with Irish Water.

6. Capital Account

The balance on the capital account recorded an improvement of over €6m in the year, eliminating the long standing deficit and recording a small closing surplus of €133k. The improvement was mainly attributable to a significant increase in capital income to €62m, with expenditure again recording a corresponding but smaller increase.

Expenditure increased to €56m. This included housing expenditure of €36m with other significant projects being the North Quay development and the city centre public realm works. During 2019, the Council reduced the number of schemes recorded on the account by consolidating balances and by transfers from reserves. The Council should continue working to address the large number of small long standing deficit balances which require funding. Year-end balances comprised deficits of €23.3m and reserves of €23.17m. The main deficit balances included:

	€
• North Quay Development	6.4m
• Land Holdings	3.9m
• Holy Ghost Properties	1.5m
• Roads	1.1m

Chief Executive's Response

Periodic reviews will continue to take place to ensure capital funding is addressed in a timely manner. Deficit balances will be addressed during reviews.

6.1. North Quay Development

Cumulative expenditure increased to €18.1m mainly in respect of demolition, land acquisition and consultant's fees for preliminary works. Development is ongoing during 2020 as the Council progressed with further site acquisitions, design and other preliminary works on what will now become the Council's largest scheme.

Chief Executive's Response

Approval of funding by Government from the Urban Regeneration and Development Fund scheme and the National Transport Authority has removed risk in terms of existing commitments and there are significant project management resources and structures being put in place on the overall projects.

6.2. Deficit Land Balances

The deficit balance on land reduced to €3.5m from €5.6m the previous year mainly due to progress on housing developments and transfers from reserves. The remaining deficits are attributable to a number of sites awaiting progress on housing developments.

Chief Executive's Response

It is expected that the progress of schemes in the Housing Capital Programme will further reduce the deficit balance in the coming year.

6.3. Unfunded Residual Housing Land (An Garran)

This development of 50 houses which is situated in Tramore commenced in 2019, at an estimated cost in excess of €13m. Abnormal site costs of €1.96m, was included in the estimate due to the adverse topography of the site. State grant funding of €900k has also been claimed for the land under development.

However, the Council is left with an adjacent site of 1.21 acres that is considered undevelopable due to its topography and the remaining loan of €313k on this land will require funding from the Council's own resources.

The site was historically assembled through a combination of direct purchase and Part V land contributions. Management should, in future, undertake appropriate assessments of all housing land acquisitions to ensure that the land is economically developable prior to acquisition.

Chief Executive's Response

As noted, this site was historically assembled. All current acquisitions for housing development are thoroughly assessed to ensure the sites are fully developable. The land remains an asset in relation to our policy commitments to biodiversity.

7. Fixed Assets

The value of assets increased to €2, 232m compared with €2,194m at the end of the previous year. The increase was mainly due to transfers of housing stock and the greenway to fixed assets. As highlighted at previous audits work remains to complete a reconciliation of subsidiary fixed asset records to the General Ledger and AFS. Land, properties and heritage assets remain summarised or incomplete within fixed assets balances on the general ledger and require de-aggregation and reconciliation to subsidiary systems and other records.

Chief Executive's Response

An assessment of the scale of work and complexity of sub systems for the de-aggregation of the land bank records will be considered. A cross functional team may be required to achieve completion. The scale of work and resources required will delay the implementation of this work.

7.1. Disposal of Houses under Tenant Purchase Scheme

Audit sampling and other information provided at audit indicated that the sale price of houses sold under the tenant purchase scheme were incorrectly calculated by the Council resulting in overcharging and undercharging purchasers by €433k and €460k respectively.

The method for calculating the sales price was amended under S.I No 484/2015 – Housing (Sale of Local Authority Houses) Regulations 2015 and further advised to the Council in two Circulars: Sale of Houses under Tenant (Incremental) Purchase Scheme 2016 and Social housing Capital Investment – Unit Cost Ceilings – New Build Scheme. The regulations require that the sales price is the greater of market value or half of its replacement cost based on a unit cost ceiling calculation, before applying relevant discounts to tenants of up to 60%.

Chief Executive's Response

The correct methodology for calculating the sales price is now being applied for all applications. The Council will engage with previous purchasers on a case-by-case basis. However, it is noted that all purchasers under the Tenant Purchase Scheme have benefitted from discounts of between 20% and 60% depending on individual household incomes.

8. Loans Payable

Overall Council borrowing reduced by €8.9m to close at €120.9m. New borrowings in 2019, amounted to €4.7m for housing mortgage advances under the Rebuilding Ireland Home Loans Scheme. The balances on Note 7 to the AFS mainly included:

- €23.2m in respect of loans funded by recouplements from other state bodies. These loans were drawn by the Council to fund approved housing bodies and historical water treatment loans funded by IW.
- €41.4m for Council issued housing mortgages. These loans are normally funded from repayments to the Council from individual mortgage holders. However, as detailed above (Income Collection Section) the high level of arrears recorded on housing mortgage loan repayments impacts the Council's cashflow.
- €56.3m in respect of acquiring assets and cash flow funding. These loans are funded

from the revenue account.

At year end, assets loans on an interest only basis amounted to €19.4m including housing loans of €4.6m which convert to full annuity after six months. The balance comprises Social Leasing Scheme loans, which are recoupable and residual 'bridging finance' that remains as core Council funding since 2010.

Chief Executive's Response

During the year, the Council redeemed €2.5m of 'bridging finance'. Consideration should now be given to the redeeming the remaining 'bridging finance'.

9. Refundable Deposits

The balance recorded in Note 8 to the AFS increased to €3.5m at year end. This long standing issue was highlighted at previous audits as this general ledger balance was not reconciled to subsidiary records held within the Council. The reconciliation is required as there is a risk that a portion of the funds may already have been repaid and charged to the revenue account rather than recovered from the deposits which are held pending the completion of required works.

Chief Executive's Response

This is mainly due to limited staff and many other priorities in the Planning Department. A member of staff will be given this responsibility and the reconciliation will be completed.

10. Local Authority Companies

Appendix 8 to the AFS provides some details on the Council's financial relationship to these entities. The main risk to the Council are loan guarantees of €5.1m that it has underwritten on behalf of these entities. In addition, during 2019, operational funding of €369k was advanced to these entities. They are also reliant on other Council supports including staffing, premises and other assistance. The financial results of the companies were not consolidated into the Council's AFS in accordance with the Accounting Code of Practice.

Chief Executive's Response

Having carried out an assessment of the additional risks the COVID-19 crisis has had on these entities, mitigation measures are being put in place.

10.1. Mount Congreve Trust

The Council recently assumed responsibility for the administration of this Trust. During 2019, costs of over €920k were recorded by the Trust for the upkeep of Mount Congreve house and gardens. A Council review of this expenditure was ongoing at the date of audit. The Trust's draft accounts for 2019, presented at audit, recorded an operating deficit of €636k, before a subvention of €250k. The financial supports provided to the Council for assuming responsibility for the gardens will shortly be exhausted if the current trend of significant annual losses continue.

There is an urgent need to ensure that the Trust addresses the current operating deficit as

expenditure far exceeds income. Given its own revenue account deficit, it is unlikely that the Council can underwrite the current level of deficit incurred by the Trust without impacting essential services and other amenities.

Chief Executive's Response

Mount Congreve has received funding of €5m for a significant upgrade of the visitor experience. Work will include a retail/hospitality unit, improvements to parking, paths and signage, refurbishment of the Glass House, provision of wastewater treatment facilities and additional parking. This upgrade will facilitate a significant increase in visitor numbers, an increase in the level of expenditure from each visitor and overall profitability of the Gardens. The works are due to be completed in early 2022. Financial performance of this facility will be monitored going forward.

11. Governance and Propriety

11.1. Governance

Corporate governance comprises the systems and procedures by which an entity is directed and controlled. It is the responsibility of management and the elected members to ensure that sound systems of financial management and internal process exist.

11.2. Internal Audit and Audit Committee

The Local Government (Financial and Audit Procedures) Regulations 2014, requires a local authority to maintain an adequate and effective system of internal audit. Management should ensure that the unit is adequately staffed in order to support the work of the Audit Committee and to deliver on the work programme agreed by the Committee and the Chief Executive. During 2019, staff resourcing issues impacted the work of the unit which was also tasked to undertake additional non-audit work.

The Audit Committee met on five occasions during the year and I attended their December meeting. Their annual report for 2019, was submitted to the Members in July 2020.

Chief Executive's Response

It is acknowledged that there has been a temporary shortage of staff in this area.

11.3. Ethics Returns / Code of Conduct

Section 171 of the Local Government Act, 2001 (as amended) requires members and certain employees to submit annual declarations to the appointed Ethics Registrar. The Council's Ethics Registrar advised that the required annual returns were received and that the related report was made to the Chief Executive. I have recommended that the Council further improves its procedures to reviewing information on the annual returns relevant to the requirements of the Code of Conduct for Local Authority Employees and also related party transactions.

Chief Executive's Response

A new system for reviewing information in relation to the above was introduced in 2019.

11.4. Credit Cards (Low Value Purchase Cards)

These cards are mainly used for low value purchases across many Council functions as a method of reducing administration overheads on purchases. In 2019, expenditure of over €1.6m was recorded on over 140 cards. At audit, I drew management's attention to a number of significant weaknesses in the usage, supervisory oversights and controls exercised over the cards. Consideration should also be given to updating the Council's policy for these cards. At the date of audit, an internal review into expenditure and card usage was underway.

Chief Executive's Response

Approximately 25% of all purchasing transactions are completed with Low Value Purchase Cards yet this only represents approximately 2% of the annual purchase value transacted by the Council. Use of LVPC's therefore provides significant efficiencies to the operation. However, it is acknowledged that a review of the expenditure, usage and policy is required to ensure best practice is achieved.

11.5. Gifts and Donations Heritage and Museum

The Council has received bequests from various individuals that are not only of significant cultural and heritage value, but also have a considerable monetary value. These donations broadly comprise unique and specialist collections of Irish silver, timepieces and mirrors that were assembled over long periods and are considered part of the patrimony of Ireland.

The endowments were made both by way of outright gifts and with the benefit of Section 1003 of the Taxes Consolidation Act, 1997. Some of Council's benefactors also financially underwrote refurbishment costs for upgrading the civic building displaying the collections. The donations place a responsibility on the Council to safeguard these valuable collections in perpetuity.

12. Acknowledgement

I wish to record my appreciation for the courtesy and co-operation extended to audit by the management and staff of the Council.



James Moran
Local Government Auditor

9th December 2020

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Department of Housing, Local Government and Heritage



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