

Dear Chair, Vice Chair and Place Scrutiny Councillors,

While the roll out of Broadband by Connecting Devon & Somerset (CDS) may be considered to be a complex subject, it does not excuse the CDS Board in any way from working in an open and transparent manner.

Like other documents published by CDS for Scrutiny ¹ the document referred (EE/15/9 issued over the weekend by CDS) appears to be worded in order to deliberately mislead rather than inform the members of the Place Scrutiny Committee (and members of the public).

The information provided in writing by the CDS board appears so deficient in actual factual content that it materially prevents the Scrutiny Committee from being able to hold them to account for their work, and as a consequence, may be considered to be even bringing the work of The Place Scrutiny Committee into disrepute.

I feel this is serious and have commented on a small number of points (in the form of “robust” questions) raised in the CDS document. I also take this opportunity to remind councillors that the members of the CDS board are in fact bound by the same rules of Government Office as themselves and any other Local Government body regarding Accountability and Openness etc! (As a reminder I have copied the UK Government’s 7 Nolan Principles as addendum One to this document).

Also, as the Place Scrutiny Committee has also requested the work of the CDS board to be subject to an independent audit I have also printed the Key Elements of Public Sector Audit (from The Role of Auditing in Public Sector Governance) in addendum Two.

If you feel personally unable to raise any of these questions then I respectfully ask for the committee to formally reject this document and request the timely resubmission of a real report from CDS, one that actually contains hard, quantitative, measureable answers to the legitimate concerns raised and properly recorded by the Place Scrutiny Committee after the Extraordinary meeting held early September.

I was most grateful to the Place Scrutiny Committee for holding the Extraordinary meeting regarding the roll out of Broadband, I just hope that all the hard work to date will not be wasted by being followed up robustly.

I look forward to your response.

Yours Sincerely,



Roger Cashmore
Oakhouse,
7 The Glebe,
Thorverton EX5 5LS

¹ CDS ref EE/15/2 produced for Place Scrutiny 19 March 2015

Ref	Quote from the CD&S – Update on progress against recommendations	Comment made by Roger Cashmore, a Devon County Council Ratepayer & BT Customer
ai	<i>The CDS Board is undertaking an open tender for Phase Two and is engaging with the market.</i>	Q1 As CDS failed in their last attempt to go to market, when do they expect to make public the terms and conditions of this new open tender in order that they may be independently scrutinised?
aii	<i>A strategy to gain a state aid approval is needed to be concluded in advance of a new open tender being launched. BDUK are looking to agree this in the New Year.</i>	Q2. If there is no strategy currently in place with which to gain state aid approval (let alone the state aid itself!), what written guarantees can CDS give the Scrutiny committee and the public that they are in fact going to be successful? Q3. As yet again the timescales are now beginning to slip to the right, on what date will CDS be releasing accurate details of the regular timescales and milestones of the phase ii program as originally requested by this Place Scrutiny committee?
aii	<i>Based on market engagement to date a 12-16 week response time to a tender is required by providers and the team will require a minimum of four weeks for evaluation and clarifications to bidders.</i>	Q4. Can you please explain to this committee and the public why, since the original phase ii tender attempt, the tender response time has ballooned from originally 6 weeks to 12- 16 weeks?
aiii	<i>Devon County Council has agreed with the CDS Board to fund an audit of the phase two procurement process that concluded last June, through its agreement with Grant Thornton.</i>	Grant Thornton (GT) are the Auditors currently retained by DCC. Q5. Please advise when GT were appointed by DCC to complete this task and when we may expect to read the results of the report? Q6 Can CDS demonstrate that the audit brief actually meets any of the Key Audit Elements listed in addendum Two?
aiii	<i>Devon Audit Partnership made only minor recommendations aimed at further enhancing already sound procedures.</i>	As you will know, Devon Audit Partnership is owned by DCC (and other councils) and therefore may not be considered to be truly independent. Q7. Please provide in writing the date when DAP services were requested by CDS, the mandate given, and where we may read a copy of the report?
aiii	<i>The Audit also found that there is a reasonable governance structure in place to manage the Broadband programme.</i>	Q8. As the previous question, Please provide details of the mandate for the report and where we may access a copy of the report itself?
aiii	<i>The report concluded that a high standard of systems and controls were in place to manage the programme and that these adequately mitigated against the risks identified. The system in place is being adhered to and substantial reliance can be placed upon the procedures in place.</i>	Q9. As requested, please provide this Scrutiny Committee (and the public) with sufficient real, quantitative information of the CDS Governance systems and controls in order that they may be completely satisfied that CDS, in fact do actually have a firm grasp of all aspects of the technical, commercial and time management aspects of this program and details of when this report was completed and where copies may be obtained?
aiv	<i>The CDS Board and team continue to press for greater detail and clarity from BT in terms of accuracy of speed reporting and be able to communicate this more accurately to the public.</i>	Q10. CDS has been managing this contract for over two years. If CDS are still unable to obtain reliable information from their contractor in spite of repeated requests, please advise this committee what sanctions they will implement in order to remedy this appalling situation?
av	<i>The CDS Board has considered whether it should extend and increase its membership and had concluded that the current representation is sufficient and which now includes a representative on behalf of the Somerset District Authorities</i>	Q11. As there are no available minutes produced by the CDS board since March 2015(!), please provide the Scrutiny Committee and the public the processes that guided the CDS board to arrive at this important decision? It is just not satisfactory to make a statement like this without providing an explanation of the reasoning behind the decision.

Addendum 1

The 7 Nolan Principles of Local Government

1. Selflessness Holders of public office should act solely in terms of the public interest.

2. Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might inappropriately influence their work.

3. Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

6. Honesty Holders of public office should be truthful.

7. Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Addendum 2

The Role of Auditing in Public Sector

Governance Institute of Internal Auditors

The key elements of Public Sector auditing.

The audit activity must be empowered to act with integrity and produce reliable services, although the specific means by which auditors achieve these goals vary. At a minimum, public sector audit activities need:

1. Organizational independence.
2. A formal mandate.
3. Unrestricted access.
4. Sufficient funding.
5. Competent leadership.
6. Objective staff.
7. Competent Staff
8. Stakeholder support.
9. Professional audit standards.