Annual Audit Letter

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Annual Audit and Inspection Letter

Tonbridge & Malling Borough Council

Audit 2004/2005

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Key messages

Council performance

1 The Council has sustained the performance level that was reflected in its Comprehensive Performance Assessment (CPA) rating of "Excellent" in 2004. Our Direction of Travel assessment this year has identified that good progress has been made in all the Council's key priority areas. Our use of resources audit has endorsed this judgement, and concluded that the Council is "performing well"

Accounts and governance issues

- 2 We gave the Council's accounts an unqualified audit opinion on 28 October 2005.
- 3 The Council's overall corporate governance arrangements were found to be good in all key areas.

Financial position

4 The Council's financial position is sound. Whilst there are a number of budgetary pressure points in key areas of service delivery, the Council has a robust mechanism in place for monitoring and responding to emerging financial risks.

Action needed by the Council

- 5 To continue to implement the Council's improvement programme.
- 6 To align the Council's corporate priorities with the revised Community Strategy priorities.

Council performance

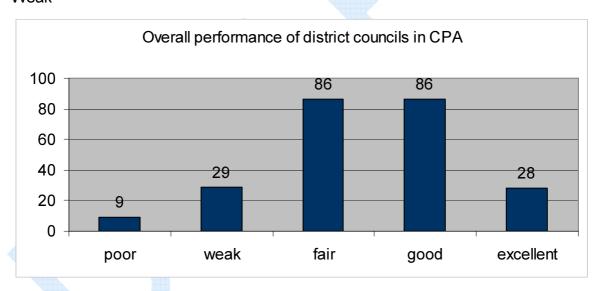
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Direction of travel report

7 Tonbridge and Malling Borough Council was assessed as Excellent in the Comprehensive Performance Assessment carried out in 2004. These assessments have now been completed in all district councils with the following results.

Figure 1 Overall performance of district councils in CPA

Three times as many district councils are rated Good or Excellent than Poor or Weak



Source: Audit Commission

8 The Council's vision is to be:

'An organisation that provides excellent public services, good value for money and effective community leadership.'

Since the assessment, the Council has identified its priorities for improvement and we have been working with the Council as it seeks to improve further. We have focused on the implementation to date of Council's agreed corporate priorities and how it is developing its capacity to meet the needs of its community. The areas identified by the Council as priorities in 2004 were:

- Progress preparation of the Local Development Framework.
- Add to the supply of affordable housing.
- Give priority to involving and meeting the needs of young people.
- Achieve a cleaner, smarter and better maintained 'Street Scene' and open space environment.
- Promote, encourage and provide opportunities for 'Healthy Living'.
- Reduce:
 - anti-social behaviour;
 - criminal damage;
 - offences against the person;
 - substance misuse; and
 - environmental crime.
- 10 Progress against each of these priorities is assessed as follows:

Progress preparation of the Local Development Framework

11 The Local Development Framework (LDF) is making good progress and is on target. In 2004/05 the Council exceeded national targets for the processing of minor and other planning applications within 8 weeks with 70 per cent of minor applications processed within the target time and 84 per cent of other applications. The Council fell below its target for processing major applications within 13 weeks by 4.7 per cent, but achieved the national target. The Council's Statement of Community Involvement was the first to be approved by central government.

Add to the supply of affordable housing

12 Tonbridge and Malling is a very expensive area. In its Housing Strategy, the Council anticipated a shortfall in provision of 180 affordable homes. The Council is committed to the provision of affordable housing and it is working successfully with Registered Social Landlords and other developers to meet housing need. A good example of the Council's partnership approach to the problem of meeting housing need is Affordable Homes in Kent. This is a partnership of Kent housing associations and local authorities working together to offer a range of affordable home ownership opportunities to people who cannot afford to buy on the open market.

Give priority to involving and meeting the needs of young people

13 The Council has worked hard to identify the needs of young people but this work is still at too early a stage to have delivered clear outcomes. The Council relaunched its Youth Forum in November 2005. It now meets every two months to examine issues that concern young people, and to give them a say on local issues. In addition school pupils are being surveyed and the findings of the survey will be used to develop policies that meet young people's needs. Other

initiatives include an Officer Study Group working on youth issues and the Crime and Disorder Best Value Review.

Achieve a cleaner, smarter and better maintained 'Street Scene' and open space environment

- 14 The Council is improving its environmental performance. Street cleansing is a corporate priority for investment and service satisfaction at 73 per cent (adjusted for deprivation) is in the top quartile of councils' performance. Over the last 14 months Members have authorised the employment of an enforcement officer to strengthen the Council's response to littering and environmental crime.
- 15 The Council recycled 18 per cent of household waste in 2004/05 (the national target for recycling was 22.5 per cent). The Council has demonstrated commitment to improving its recycling performance by introducing alternate collections for recycling and other refuse. This should put the Council in a good position to meet its statutory recycling target by the end of 2006.

Promote, encourage and provide opportunities for 'Healthy Living'

The Council is promoting and encouraging healthier lifestyles. It has a range of initiatives such as the 'Healthy Walks' programme and tackling the problem of childhood obesity. The Council is also active in the Health Policy Board of the Local Strategic Partnership. In addition, a mult-agency partnership has been established in East Malling, the borough's most deprived ward, to maximise the use of the resources that can support healthy living. Similar initiatives are underway in Snodland and Trench wards, working in partnership with the Primary Care Trust.

Reduce:

- Anti-social behaviour
- Criminal damage
- Offences against the person
- Substance misuse
- Environmental crime
- The Council is committed to the reduction of crime and it is working closely with partners to achieve that objective. It has a well organised approach to community safety and provides a range of Crime and Disorder Reduction Partnership (CDRP) initiatives. In 2005 these included Operation Cubit, which removed abandoned and untaxed cars from the streets, the setting up of the Tonbridge and Malling branch of the Women's Support Service for victims of domestic violence, initiatives to raise awareness of the dangers of drugs including SNAP (Say No And Phone) discos, drug detection operations and the introduction of Police Community Support Officers. The Council has also targeted resources at more deprived areas such as East Malling.

18 The Council has also targeted resources at more deprived areas such as East Malling. The Council and PCT have provided a full-time community development worker.

Other priority areas

Community Strategy

19 The Community Strategy was refreshed in 2005 and a new strategy should be adopted by April 2006. The Council is aware that its corporate priorities will need to be aligned with the revised priorities in the new Community Strategy.

Benefits service

- 20 The Benefits Fraud Inspectorate (BFI) assessed Tonbridge and Malling Borough Council's benefits service as providing a "Fair towards Good" performance in 2003. The Council's current performance demonstrates a number of strengths including:
 - monitoring of performance by Members
 - speed of processing claims that consistently exceed Performance Standards targets
 - use of all available methods for recovering overpayments.
- 21 However the BFI considered there were some areas where the Council needed to develop further to fully meet its Performance Standards framework in full. These included:
 - key milestone dates not included in operational plans
 - limited work to identify and encourage take-up from under-claiming groups
 - service not assessed against the requirements of the Disability Discrimination
- 22 Good progress has been made since the BFI report. An example of this is the work that is being done with the Kent Benefits Partnership to increase benefit take-up from under-claiming groups.

Council capacity and performance management

Performance management

23 The performance management regime is now more rigorous and the Council now reports appraisals of staff following the introduction of a new system to monitor compliance. There is still some scope for improvement, with 53 per cent of audited performance indicators improving between 2002/03 and 2004/05 leaving 47 per cent not improving. However this must be seen in the context of 73 per cent of indicators being in the top two quartiles. Between 2003/04 and 2004/05 the percentage of indicators that improved had increased to 62 per cent.

Diversity

The Race Equality Strategy has been updated and good monitoring arrangements are in place. A disability working party with councillor and officer membership has been set up, and staff have been given disability awareness training. A disability audit took place in early 2005 and generally buildings were shown to be accessible with the exception of Tonbridge Castle.

Value for Money

- Value for money (VFM) is a high priority. Service costs are low compared to Kent and the national average. Council tax is low compared to other councils, and service quality, performance and user satisfaction is generally high.
- Robust systems are in place to monitor and evaluate capital spending decisions. Costs reflect policy decisions and the Council can demonstrate that it spends most of its resources on key priorities. There is now a specific reference to VFM in all reports to Members. The Council is commended for its approach to value for money.

Use of resources judgements

- The use of resources assessment is a new assessment which focuses on financial and strategic management of the Authority. It examines how financial management is integrated with strategic and corporate management, supports the Council's priorities and delivers value for money. We anticipate in future the Use of Resources judgements will form part of the CPA framework.
- Overall, we have assessed the Council to be performing well in terms of its use of resources. Our assessment of the Council's performance in each of the five areas reviewed is summarised in Table 1.

Table 1 The Council's use of resources

Element	Assessment
Financial reporting	3 out of 4
Financial management	3 out of 4
Financial standing	3 out of 4
Internal control	2 out of 4
Value for money	3 out of 4
Overall	3 out of 4

(Note: 1=lowest, 4=highest)

1	Below minimum requirements – inadequate performance
2	At minimum requirements – adequate performance
3	Consistently above minimum requirements – performing well
4	Well above minimum requirements – performing strongly

- 29 In reaching these judgements we have drawn on audit work undertaken this year to meet our objectives under the Audit Code of Practice, and supplemented this with a review against specified Key Lines of Enquiry.
- 30 Our detailed findings and conclusions have been summarised in a separate report which has been discussed with officers, and the key messages are shown in Table 2 below.

-			
Table	7	I ICA At	resources
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Element	Summary conclusion
Financial reporting	The Council has a track record of preparing and publishing its accounts efficiently and in accordance with the statutory deadlines. The 2004/05 accounts presented for audit were of a generally high standard. As well as internal closedown procedures and supporting working papers being of a high standard, finance officers are responsive to our audit queries. We noted that supporting working papers could be improved in a few areas. The Council demonstrates openness in the conduct of its business, with all committee agendas, reports and minutes made available to the public. However, in common with most authorities, there is currently limited stakeholder consultation to establish their requirements in respect of the publication of summary accounts or an annual report
Financial management	The Council has an effective medium-term financial strategy (MTFS) which is linked to its key strategic objectives and is annually updated. A balanced revenue budget and an affordable capital programme have been set. A Budget Prioritisation Model ensures that resources are allocated in line with corporate aims and priorities. Budgets are subject to regular review by both budget holders and members. However, budgets should be informed by risk assessments and the MTFS should model balance sheets and cash flows

Element	Summary conclusion
	over a minimum of three years. The Council has robust arrangements in place to manage its asset base, with an up to date capital strategy, asset management plan and asset register. To progress further, the Council should develop an approach for integrating asset management information with its financial information and evaluate the contribution of the asset base towards achieving council priorities.
Financial standing	The Council has healthy financial reserve levels. Only limited contributions from reserves will be needed to balance future budgets. The Council has agreed a reserves policy, and maintains reserves and balances within the range determined. The Council has consistently maintained its revenue spending within budget. To progress to the next level, the Council should monitor the opportunity costs of maintaining its
	reserves levels and compare them to the benefits it receives. In addition, Members should monitor key financial health indicators and set challenging targets.
Internal control	The Council has made progress towards achieving comprehensive risk management arrangements, including adoption of a risk management strategy and maintenance of risk registers. However, at the time of our review, no member committee had specific responsibility included in its terms of reference to consider risk management. This is now within the terms of reference of the newly established Audit Committee.
	We also consider that all business critical should be supported with detailed procedure notes/manuals. The Council has adopted codes of conduct for both staff and members and has put in place adequate arrangements to monitor compliance including a Standards Committee. An anti-fraud policy and a Confidential Reporting Code are in place. To improve arrangements further, the risk of fraud and corruption should be specifically considered as part of the Council's risk management process.
Value for money	As reported above in our Direction of Travel assessment, the Council achieves good value for money. Costs reflect policy decisions and the Council can demonstrate that it spends most of its resources

Element	Summary conclusion
	on its key priorities. Despite its already good performance, the Council should benchmark to ensure it learns from elements of good practice at other authorities. generally high.
	Members and senior officers routinely use information on costs to challenge and improve value for money. The Council sets and achieves targets to improve efficiency. The Council has a procurement strategy and effectively uses joint procurement to achieve savings. It now plans to expand e-procurement. The Council has a successful track record in securing external funding and using it to deliver improvements for local people.

Other performance work

Best Value Performance Plan

- 31 We have completed our review of performance information for 2004/05 and the Council's Best Value Performance Plan for 2005/06. We found that:
 - the systems for publishing performance indicators was generally sound; and
 - the Best Value Performance Plan for 2005/06 complies with statutory guidance.
- 32 Our work did not result in any reservations or qualifications in respect of individual performance indicators, and we were able to issue an unqualified report on the Best Value Performance Plan in line with statutory requirements.

E-government follow up

- 33 In 2003 we undertook an audit of the Council's progress in implementing the challenging e-government agenda. Our report identified that the Council was making good progress, and made some recommendations in respect of the level of external consultation, project management and staff training.
- 34 Our follow up audit concluded that steady progress has been made in all these areas, and there are no matters arising that we need to bring to the attention of Members.

Accounts and governance

We gave the Council's accounts an unqualified audit opinion on 28 October 2005.

The Council's overall corporate governance arrangements were found to be good in all key areas.

Audit of 2004/05 accounts

Report to those with responsibility for governance in the Council

- We are required by professional standards to report to those charged with governance (in this case to the General Purposes Committee) certain matters before we give an opinion on the financial statements. Our report identified three reporting issues:
 - The interest rate used by the actuary in calculating the actuarial gains/losses
 of the pension fund this issue was satisfactorily resolved following
 discussions with the pension fund's actuary.
 - The need to undertake a reconciliation of the difference between the old legislative based concept of the credit ceiling and the new accounting based concept of the capital financing requirement.
 - The satisfactory resolution of reconciliation variances between the council tax, NNDR and main accounting systems had identified a historic anomaly in the way that summons costs were posted to the accounts.
- Following discussions with officers and members we were satisfied with the action being taken to resolve these issues. We gave an unqualified opinion on the Council's accounts on 28 October 2005.

Matters arising from the final accounts audit

37 As in previous years, the working papers in support of the Council's draft financial statements were of a generally high standard. Whilst our identified a number of non-material amendments to the accounts these were largely of a presentational nature and did not impact on the outturn figures reported to members.

Financial standing

The Council's financial position is sound. Whilst there are a number of budgetary pressure points in key areas of service delivery, the Council has a robust mechanism in place for monitoring and responding to emerging financial risks.

2004/05 financial performance

38 A report on the Council's treasury management and investment strategy performance for 2004/05 was presented to Cabinet in June 2005. This report indicated that the prudential indicators set by the Council were achieved, despite significant variations in interest rates over the period. The Council's externally managed funds (£32.3m) exceeded the benchmark rate of return, and high positive cash flows were maintained due primarily to delays in the capital programme and consistently high income collection rates

Medium term financial strategy and financial outlook

- 39 As noted in our previous letter, the Council has a well established medium term financial planning process. A six-year Medium Term Financial Strategy has been prepared, and is reviewed annually with the latest plan covering the period to 2010/11. The plan incorporates the Council's key priorities and ensures that these are sufficiently resourced.
- 40 Regular reports are submitted to Finance and Property Advisory Board on the key budget areas of salaries, major income streams and investment income. The latest report in February 2006 identifies that net management savings of £126.1k have been identified, and the Council is on course to achieve its revised budgetary targets for 2005/06. The recent award of £317k from ODPM in respect of the LA Business Growth Incentive Scheme has increased the projected budget underspend for the year to £443.1k.
- 41 Looking further ahead, many of the budget pressures identified in our last audit letter remain (the government required "Gershon" review, contract re-tendering, pensions costs), together with emerging pressures in respect of licensing, concessionary fares and the costs of meeting central government's challenging recycling targets for 2006/07 (see above in the section dealing with the Council's Direction of Travel).
- 42 From 2007/08, additional pressures are anticipated due to a proposed reduction of £97k in the Council's grant settlement, and a reduction in housing benefit administration subsidy.

Capital programme

43 Capital expenditure in 2004/05 totalled £2.3m compared to revised budgeted expenditure of £5.0m. The main reason for variations between the budgeted and actual performance was scheme variations and changes to the starting dates for approved schemes. This has resulted in expenditure of £2.7m being carried forward to 2005/06 and subsequent years.

Income collection and arrears

44 There was no significant change in the level of council tax and NNDR arrears during 2004/05. Whilst total collection fund debtors increased by £145k, the overall level of debt remains low compared to other district councils nationally. We are satisfied that provisions for bad debt are being maintained at a prudent level. There was a significant reduction in the level of sundry debtors arrears in

- 2004/05, due primarily to the timing of income received from the sale of East Malling Depot.
- The collection rates for council tax and NNDR both increased in 2004/05 and are in the top 25% of district councils. The rate for NNDR collection increased significantly from 98.9% in 2003/04 to 99.5% in 2004/05.

Pensions fund deficit

46 The Council participates in the Local Government Pension Scheme, administered by Kent County Council. From 2003/04 Financial Reporting Standard (FRS) 17 required the Council to include within its accounts the costs and liabilities of its pension scheme. An actuarial valuation for the year ended 31st March 2005 assessed the net pension asset for Tonbridge & Malling Borough Council as a liability of £33.140m, compared to a liability of £17.779m in 2003/04. In percentage terms, the estimated deficit was 67% funded in 2003/04 and only 54% funded in 2004/05. The Council is aware of the implications of this deficit and has taken action to factor this into its long term financial strategy.



Systems of internal financial control

47 We have not identified any significant weaknesses in the overall control framework.

Risk registers

48 During last year's audit it was highlighted that some risk registers were out of date and needed amendment to reflect current risks. Our work this year identified a number of instances where services were failing to update their risk registers annually (especially strategic risk registers) or ensure that they were comprehensive. As a result there was a possibility that the Council may not identify all existing or new business risks, and take the appropriate action to mitigate them. Following our audit, prompt action was taken to remind service departments of the need to ensure risk registers accurately reflect current strategic and operational risks.

Internal Audit

- 49 We have completed a review to assess internal audit against standards set out in the CIPFA Code of Practice for Internal Audit in Local Government. This review also assessed the effectiveness of the internal audit service as required by the Accounts and Audit Regulations 2003.
- 50 We concluded that the Council's internal audit service is effective, and that it complies with the requirements of the CIPFA Code in all major respects. Some recommendations were made including the need to enhance existing reporting, review and follow up procedures and to develop a local audit manual to comply with best practice as set out in the revised Code. Our findings were discussed and agreed with the Chief Internal Auditor.

Standards of financial conduct and the prevention and detection of fraud and corruption

51 We have not identified any significant weaknesses in your arrangements to prevent and detect fraud and corruption.

Legality of transactions

- 52 We have not identified any significant weaknesses in the framework established by the Council for ensuring the legality of its significant financial transactions.
- 53 During our interim audit work we recommended that key agenda papers and committee reports could usefully incorporate a section identifying any significant financial or legal implications arising from the issue under discussion. The purpose of this is to assist members in the decision-making process, and to

accord with best practice in this area. This recommendation was adopted by the Council.



Other work

Grant claims

- 54 The Audit Commission has continued to introduce a more risk-based approach to the certification of grant claims. We have reduced our audit input where possible, and are continuing to work with internal audit to increase the reliance that we can place on their work and reduce the extent of our testing in this area.
- The Council's arrangements for managing and quality assuring the complex housing benefit grant claim were reviewed this year to identify any areas where there was scope for improvement. Compiling the housing benefit grant claim represents a significant workload for the authority, and subsidy entitlement for 2004/05 exceeded £20.8m. The claim was increased by £75,755 as a result of audit amendments this year.
- 56 We found that procedures were generally sound but some improvements could be made, including:
 - Increasing the internal resources allocated to compilation and checking of the annual claim
 - Providing the responsible financial officer with more guidance on evidence needed to support the certification process
 - Improving the overall quality of working papers and evidence trails, particularly in respect of backdated claims
 - Providing additional staff training in relation to identification and correct classification of overpayments
- 57 An action plan has been discussed and agreed with officers, and our report will be presented to the Audit Committee on 6th April 2006.

National Fraud Initiative

- 58 In 2004/05, the local authority took part in the Audit Commission's National Fraud Initiative. The NFI, which is undertaken every two years, aims to help identify and reduce fraud by bringing together data from NHS bodies, local authorities and government departments and other agencies, to detect a wide range of frauds against the public sector. These include housing benefit fraud, occupational pension fraud, tenancy fraud and payroll fraud as well as, new for 2004/05, right to buy scheme fraud and providing new contact details for former tenants with arrears in excess of £1,000.
- 59 An initial risk assessment review of the NFI arrangements at the authority was completed. We found that the authority had put in place the necessary arrangements and allocated sufficient resources to ensure that the key matches identified on the NFI disc were properly reviewed, although to date no savings have been identified as a direct result of the 2004/05 exercise. In line with the

ethos of strategic regulation it was decided that a detailed review of the NFI arrangements at the authority was not required.



Looking forwards

Future audit and inspection work

- 60 We have an agreed plan for 2005/06 and we have reported in this letter those aspects that have already been completed. The remaining elements of that plan, including our audit of the 2005/06 accounts, will be reported in next year's Annual Letter.
- We have sought to ensure, wherever possible, that our work relates to the improvement priorities of the Council. We will continue with this approach when planning our programme of work for 2006/07. We will seek to consider the Council's improvement priorities and develop an agreed programme by 31 March 2006.

Revision to the Code of Audit Practice

- 62 The statutory requirements governing our audit work, are contained in:
 - the Audit Commission Act 1998; and
 - the Code of Audit Practice (the Code).
- The Code has been revised with effect from 1 April 2005. Further details are included in our Audit Plan which has been agreed with General Purposes Committee in April 2005. The key changes include:
 - the requirement to draw a positive conclusion regarding the Council's arrangements for ensuring value for money in its use of resources; and
 - a clearer focus on overall financial and performance management arrangements.

A new CPA framework

The Audit Commission is currently considering the results of the consultation on the proposals for revising the CPA framework for District Councils. The revised framework will be published in the early part of 2006 with implementation from April 2006.

Closing remarks

- This letter has been discussed and agreed with the Chief Executive, Director of Finance and the Leader. A copy of the letter will be presented at the Audit Committee on 6th April 2006.
- The Council has taken a positive and constructive approach to our audit and inspection I would like to take this opportunity to express my appreciation for the council's assistance and co-operation.

Availability of this letter

This letter will be published on the Audit Commission's website at www.audit-commission.gov.uk and also on the Council's website.

Nick Ward

District Auditor

Stephen Mead

Relationship Manager

March 2006

Appendix 1 – Background to this letter

The purpose of this letter

- This is our audit and inspection 'Annual Letter' for members which incorporates the Annual Audit Letter for 2004/05, which is presented by the Council's Relationship Manager and District Auditor. The letter summarises the conclusions and significant issues arising from our recent audit and inspections of the Council.
- 2 We have issued separate reports during the year setting out the findings and conclusions from the specific elements of our programme. These reports are listed at Appendix 2 for information.
- 3 The Audit Commission has circulated to all audited bodies a statement that summarises the key responsibilities of auditors. Our audit has been conducted in accordance with the principles set out in that statement. What we say about the results of our audit should be viewed in the context of that more formal background.
- 4 Appendix 3 provides information about the fee charged for our audit and inspections.

Audit objectives

- 5 Our main objective as your appointed auditor is to plan and carry out an audit that meets the requirements of the Code of Audit Practice. We adopt a risk-based approach to planning our audit, and our audit work has focused on your significant financial and operational risks that are relevant to our audit responsibilities.
- Central to our audit are your corporate governance arrangements. Our audit is then structured around the three elements of our responsibilities as set out in the Code and shown in Figure 1.

Figure 2 Code of Audit Practice

Code of practice responsibilities



Accounts

Opinion.

Financial aspects of corporate governance

- 7 Reviewing how effectively the Council ensures:
 - financial standing;
 - systems of internal financial control;
 - standards of financial conduct and the prevention and detection of fraud and corruption; and
 - legality of transactions with significant financial consequences.

Performance management

- Use of resources.
- Performance information.
- Best Value Performance Plan.

Inspection objectives

- Inspection work is based around section 10 of the Local Government Act 1999, which requires us to carry out inspections and deliver reports that will:
 - enable the Council and the public to judge whether best value is being delivered;
 - enable the Council to assess how well it is doing;
 - enable the Government to assess how well its policies are being implemented; and
 - identify failing services where remedial action may be necessary.

Appendix 2 – Audit and Inspection reports issued

Table 3

Report title	Date issued
Audit Plan	December 2004
E-government follow up	August 2005
Report on the 2004/05 financial statements to those charged with governance (SAS 610)	October 2005
Regularity	December 2005
Statutory report on the Council's Best Value Performance Plan	December 2005
Housing benefits	January 2006
Use of resources feedback	March 2006
Audit & Inspection Annual Letter	March 2006

Appendix 3 – Audit and Inspection fee

Table 4 Audit fee update

Audit area	Plan 2004/05 (£)	Actual 2004/05 (£)
Accounts	24,950	24,950
Financial aspects of corporate governance	26,100	26,100
Performance	22,303	22,303
Total Code of Audit Practice fee	73,353	73,353
Additional voluntary work (under section 35)	0	0
Total	73,353	73,353

Inspection fee update

The full year inspection fee is £7,777. The work reported in this audit and inspection letter has been funded by an element of the fee covering 2004/05 and by an element of the fee covering 2005/06. In both years the actual fee will be in line with that planned.