

meeting	AUDIT COMMITTEE		
date	17 MAY 2011	agenda item number	9

REPORT OF THE SERVICE DIRECTOR (FINANCE)
CONSULTATION ON THE FUTURE OF LOCAL PUBLIC AUDIT

Purpose of the Report

1. To inform Members of a consultation paper discussing the Government's proposals for how a new local audit framework could work when the Audit Commission is disbanded.

Information and advice

2. In March 2011, the Government published a consultation paper, setting out proposals for local public audit and how it would function when the Audit Commission is disbanded.
3. The Government is inviting responses by the 30th June 2011. Following this, the responses will be considered and a summary will be published, together with a Government response. Subsequently, the Government will publish draft legislation on the proposals for a new local audit framework which will be subject to pre-legislative scrutiny by parliament and other interested parties. As part of this process, a second consultation will be held and a consultation stage impact assessment will be published. Following this scrutiny, final legislation will be prepared and introduced at the earliest opportunity.
4. The initial consultation paper runs to 64 pages and a copy is available as a background paper, or at www.communities.gov.uk. The changes proposed are significant and wide-ranging. A series of 50 questions have been asked and a copy of these has been attached as an Appendix.
5. The proposed framework has been devised using a set of design principles:-

Localism and decentralisation – freeing up local public bodies to appoint their own external auditors.

Transparency – ensuring the results of audit work are easily accessible to the public

Lower audit fees

High standards of auditing

6. Some of the key changes that are proposed are listed below:-

The National Audit Office would produce the Code of audit practice and supporting guidance.

The Chair of the Audit Committee would be independent of the Authority.

The majority of members of the Audit Committee would be independent of the Authority.

Any firm's appointment should be limited to a maximum of two consecutive five-year periods.

Options around the Authority publishing an Annual Report are considered, along similar lines to Company reports.

County or unitary authorities should be responsible for appointing the independent examiner for smaller bodies (expenditure between £1,000 and £6.5m).

Smaller bodies could arrange a joint audit committee or join with a larger body to utilise their audit committee.

Financial Implications

7. There are no direct financial implications arising from this report.

Equal Opportunities Implications

8. There are no equal opportunities implications within this report.

Crime and Disorder Implications

9. None

RECOMMENDATION

10. That Members note the consultation on the future of local public audit and raise any issues of concern.

ALAN SUMBY
SERVICE DIRECTOR (FINANCE)

Background papers – Future of local public audit - Consultation

List of consultation questions

1. Have we identified the correct design principles? If not what other principles should be considered? Do the proposals in this document meet these design principles?
2. Do you agree that the audit probation trusts should fall within the Comptroller and Auditor General's regime?
3. Do you think that the National Audit Office would be best placed to produce the Code of audit practice and the supporting guidance?
4. Do you agree that we should replicate the system for approving and controlling statutory auditors under the Companies Act 2006 for statutory local public auditors?
5. Who should be responsible for maintaining and reviewing the register of statutory local public auditors?
6. How can we ensure that the right balance is struck between requiring audit firms eligible for statutory local public audit to have the right level of experience, while allowing new firms to enter the market?
7. What additional criteria are required to ensure that auditors have the necessary experience to be able to undertake a robust audit of a local public body, without restricting the market?
8. What should constitute a public interest entity (i.e. a body for which audits are directly monitored by the overall regulator) for the purposes of local audit regulation? How should these be defined?
9. There is an argument that by their very nature all local public bodies could be categorised as 'public interest entities.' Does the overall regulator need to undertake any additional regulation or monitoring of these bodies? If so, should these bodies be categorised by the key services they perform, or by their income or expenditure? If the latter, what should the threshold be?
10. What should the role of the regulator be in relation to any local bodies treated in a manner similar to public interest entities?
11. Do you think the arrangements we set out are sufficiently flexible to allow councils to cooperate and jointly appoint auditors? If not, how would you make the appointment process more flexible, whilst ensuring independence?
12. Do you think we have identified the correct criteria to ensure the quality of independent members? If not, what criteria would you suggest?
13. How do we balance the requirements for independence with the need for skills and experience of independent members? Is it necessary for independent members to have financial expertise?

14. Do you think that sourcing suitable independent members will be difficult? Will remuneration be necessary and, if so, at what level?

15. Do you think that our proposals for audit committees provide the necessary safeguards to ensure the independence of the auditor appointment? If so, which of the options described in paragraph 3.9 seems most appropriate and proportionate? If not, how would you ensure independence while also ensuring a decentralised approach?

16. Which option do you consider would strike the best balance between a localist approach and a robust role for the audit committee in ensuring independence of the auditor?

17. Are these appropriate roles and responsibilities for the Audit Committee? To what extent should the role be specified in legislation?

18. Should the process for the appointment of an auditor be set out in a statutory code of practice or guidance? If the latter, who should produce and maintain this?

19. Is this a proportionate approach to public involvement in the selection and work of auditors?

20. How can this process be adapted for bodies without elected members?

21. Which option do you consider provides a sufficient safeguard to ensure that local public bodies appoint an auditor? How would you ensure that the audited body fulfils its duty?

22. Should local public bodies be under a duty to inform a body when they have appointed an auditor, or only if they have failed to appoint an auditor by the required date?

23. If notification of auditor appointment is required, which body should be notified of the auditor appointment/failure to appoint an auditor?

24. Should any firm's term of appointment be limited to a maximum of two consecutive five-year periods?

25. Do the ethical standards provide sufficient safeguards for the rotation of the engagement lead and the audit team for local public bodies? If not, what additional safeguards are required?

26. Do the proposals regarding the reappointment of an audit firm strike the right balance between allowing the auditor and audited body to build a relationship based on trust whilst ensuring the correct degree of independence?

27. Do you think this proposed process provides sufficient safeguard to ensure that auditors are not removed, or resign, without serious consideration, and to maintain independence and audit quality? If not, what additional safeguards should be in place?

28. Do you think the new framework should put in place similar provision as that in place in the Companies sector, to prevent auditors from seeking to limit their liability in an unreasonable way?

29. Which option would provide the best balance between costs for local public bodies, a robust assessment of value for money for the local taxpayer and provides sufficient assurance and transparency to the electorate? Are there other options?

30. Do you think local public bodies should be required to set out their performance and plans in an annual report? If so, why?

31. Would an annual report be a useful basis for reporting on financial resilience, regularity and propriety, as well as value for money, provided by local public bodies?

32. Should the assurance provided by the auditor on the annual report be 'limited' or 'reasonable'?

33. What guidance would be required for local public bodies to produce an annual report? Who should produce and maintain the guidance?

34. Do these safeguards also allow the auditor to carry out a public interest report without his independence or the quality of the public interest report being compromised?

35. Do you agree that auditors appointed to a local public body should also be able to provide additional audit-related or other services to that body?

36. Have we identified the correct balance between safeguarding auditor independence and increasing competition? If not, what safeguards do you think would be appropriate?

37. Do you agree that it would be sensible for the auditor and the audit committee of the local public body to be designated prescribed persons under the Public Interest Disclosure Act? If not, who do you think would be best placed to undertake this role?

38. Do you agree that we should modernise the right to object to the accounts? If not, why?

39. Is the process set out above the most effective way for modernising the procedures for objections to accounts? If not, what system would you introduce?

40. Do you think it is sensible for auditors to be brought within the remit of the Freedom of Information Act to the extent of their functions as public office holders? If not, why?

41. What will be the impact on (i) the auditor/audited body relationship, and (ii) audit fees by bringing auditors within the remit of the Freedom of Information Act (to the extent of their functions as public office holders only)?

42. Which option provides the most proportionate approach for smaller bodies? What could happen to the fees for smaller bodies under our proposals?

43. Do you think the county or unitary authority should have the role of commissioner for the independent examiners for smaller bodies in their areas? Should this be the section 151 officer, or the full council having regard to advice

provided by the audit committee? What additional costs could this mean for county or unitary authorities?

44. What guidance would be required to enable county/unitary authorities to:

a.) Appoint independent examiners for the smaller bodies in their areas?

b.) Outline the annual return requirements for independent examiners?

Who should produce and maintain this guidance?

45. Would option 2 ensure that smaller bodies appoint an external examiner, whilst maintaining independence in the appointment?

46. Are there other options given the need to ensure independence in the appointment process? How would this work where the smaller body, e.g. a port health authority, straddles more than one county/unitary authority?

47. Is the four-level approach for the scope of the examination too complex? If so, how would you simplify it? Should the threshold for smaller bodies be not more than £6.5m or £500,000? Are there other ways of dealing with small bodies, e.g. a narrower scope of audit?

48. Does this provide a proportionate, but appropriate method for addressing issues that give cause for concern in the independent examination of smaller bodies? How would this work where the county council is not the precepting authority?

49. Is the process set out above the most appropriate way to deal with issues raised in relation to accounts for smaller bodies? If not, what system would you propose?

50. Does this provide a proportionate but appropriate system of regulation for smaller bodies? If not, how should the audit for this market be regulated?