

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
Governance Committee	13 <sup>th</sup> April 2016

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<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
Changes to Arrangements for Appointment of External Auditors	N/A	Garry Barclay	6

## SUMMARY AND LINK TO CORPORATE PRIORITIES

On 5<sup>th</sup> October 2015 the DCLG notified its intention to extend the transitional arrangements, whereby external auditors are appointed by Public Sector Audit Appointments Limited under the contracts previously negotiated by the Audit Commission.

Whilst NHS and smaller local government bodies will move to a new external appointment regime on 1 April 2017, larger local government bodies including South Ribble Borough Council will remain on current appointments contracts until the completion of the 2017/18 audits. This means that new appointments will need to be made by 31<sup>st</sup> December 2017.

Therefore in 2017 the Council will need to make a choice between the various options for appointing its external auditor, which in summary are:

- setting up an independent Auditor Appointment Panel
- joining with other councils to set up a joint independent Auditor Appointment Panel
- Using an existing independent panel of the authority (where a suitable panel already exists)
- opting-in to a Sector Led Body (SLB) that will negotiate contracts and make the appointment on behalf of councils, removing the need to set up an independent Auditor Appointment Panel.

The Local Government Association (LGA) has asked all councils to give an indication of the preferred approach in order that it can invest resources in providing appropriate support to Councils.

The LGA is strongly supportive of the SLB approach as it believes this offers best value to Councils by reducing set-up costs and having the potential to negotiate lowest fees and is therefore investigating the feasibility of establishing a SLB to deliver economic and efficient external arrangements across all authorities.

The purpose of this report therefore is to provide members with an appraisal of the appointment options available. Although the Council has until December 2017 to make an appointment, in practical terms this means one of the options outlined in this report will need to be in place by spring 2017 in order that the contract negotiation process can be carried out during 2017.

In a recent survey 58% of respondents expressed an interest in the SLB option. Greatest economies of scale will come from the maximum number of councils acting collectively and opting-in to a SLB. In order to strengthen the LGA's negotiating position the Council is asked to consider whether it is interested in the option of opting in to a SLB.

Councils have therefore been asked to express an interest in opting into a SLB by the end of April 2016. **A formal decision to opt-in will be required at a later stage.**

*This report seeks to ensure the maintenance of strong, cost effective external audit arrangements thereby contributing to making South Ribble an "efficient, effective and exceptional Council".*

## RECOMMENDATIONS

That members consider the range of appointment options available, either:

- Supporting the LGA in setting up a national SLB by indicating intention to “opt-in”.
- Establishing a stand-alone Auditor Appointment Panel to make the appointment on behalf of the Council.
- Using an existing independent panel of the authority, should a suitably constituted panel already exist.
- Commencing work on exploring the establishment of local joint procurement arrangements with neighbouring authorities.

## DETAILS AND REASONING

The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State for Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.

The Council’s current external auditor is Grant Thornton, this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract is currently managed by Public Sector Audit Appointments Limited (PSAA), the transitional body set up by the LGA with delegated authority from the Secretary of State CLG.

Over recent years the Council has benefited from reduction in fees in the order of 50% compared with historic levels. This has been the result of a combination of factors including new contracts negotiated nationally with the firms of accountants and savings from closure of the Audit Commission. The Council’s external audit fees for 2015/16 are £51,052.

When the current transitional arrangements come to an end on 31 March 2018 the Council will be able to move to local appointment of the auditor. There are a number of routes by which this can be achieved, each with varying risks and opportunities.

Current fees are based on discounted rates offered by the firms in return for substantial market share. When the contracts were last negotiated nationally by the Audit Commission they covered NHS and local government bodies and offered maximum economies of scale.

The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council’s audit must follow. Not all accounting firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.

The registration process has not yet commenced and so the number of firms is not known but it is reasonable to expect that the list of eligible firms may include the top 10 or 12 firms in the country, including our current auditor. It is unlikely that small local independent firms will meet the eligibility criteria.

## **The Options for Local Appointment of External Auditors**

There are three broad options open to the Council under the Local Audit and Accountability Act 2014 (the Act):

### **Option 1 - To make a stand-alone appointment**

In order to make a stand-alone appointment the Council will need to set up an Auditor Panel. The members of the panel must be wholly or a majority independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the Council's external audit. A new independent auditor panel established by the Council will be responsible for selecting the auditor.

#### *Advantages/benefits*

- Setting up an auditor panel allows the Council to take maximum advantage of the new local appointment regime and have local input to the decision.

#### *Disadvantages/risks*

- Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on going expenses and allowances.
- The Council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.
- The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by elected members.

### **Option 2 - To set up a joint auditor panel / local joint procurement arrangement**

The Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice will be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council need to liaise with other local authorities to assess the appetite for such an arrangement.

#### *Advantages/benefits*

- The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.
- There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.

### *Disadvantages/risks*

- The decision making body will be further removed from local input, with potentially no input from elected members where a wholly independent auditor panel is used or possibly only one elected member representing each Council, depending on the constitution agreed with the other bodies involved.
- The choice of auditor could be complicated where individual Councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for the Council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel choose a firm that is conflicted for this Council then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

### **Option 3 – To opt-in to a sector led body**

In response to the consultation on the new arrangement the LGA successfully lobbied for Councils to be able to 'opt-in' to a SLB appointed by the Secretary of State under the Act. An SLB would have the ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector.

### *Advantages/benefits*

- The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities.
- By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation.
- Any conflicts at individual authorities would be managed by the SLB who would have a number of contracted firms to call upon.
- The appointment process would not be ceded to locally appointed independent members. Instead a separate body set up to act in the collective interests of the 'opt-in' authorities. The LGA are considering setting up such a body utilising the knowledge and experience acquired through the setting up of the transitional arrangements.

### *Disadvantages/risks*

- Individual elected members will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
- In order for the SLB to be viable and to be placed in the strongest possible negotiating position the SLB will need Councils to indicate their intention to opt-in before final contract prices are known.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

<p><b>FINANCIAL</b></p>	<p>Current external fees levels are likely to increase when the current contracts end in 2018.</p> <p>The cost of establishing a local or joint Auditor Panel outlined in options 1 and 2 above will need to be estimated and included in the Council's budget for 2016/17 and 2017/18. This will include the cost of recruiting independent appointees (members), servicing the Panel, running a bidding and tender evaluation process, letting a contract and paying members fees and allowances.</p> <p>Opting-in to a national SLB provides maximum opportunity to limit the extent of any increases by entering in to a large scale collective procurement arrangement and would remove the costs of establishing an auditor panel.</p>		
<p><b>LEGAL</b></p>	<p>Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements;</p> <p>Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.</p> <p>Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.</p>		
<p><b>RISK</b></p>	<p>There is no immediate risk to the Council, however, early consideration by the Council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.</p> <p>Providing the LGA with a realistic assessment of our likely way forward will enable the LGA to invest in developing appropriate arrangements to support the Council.</p>		
<p><b>OTHER (see below)</b></p>			
<p><i>Asset Management</i></p>	<p><i>Corporate Plans and Policies</i></p>	<p><i>Crime and Disorder</i></p>	<p><i>Efficiency Savings/Value for Money</i></p>

<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>