

# Section 1 – Annual governance statement 2016/17

We acknowledge as the members of:

Enter name of  
smaller authority here:

LED BURY TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2017, that:

	Agreed		'Yes' means that this smaller authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this smaller authority to conduct its business or on its finances.	✓		has only done what it has the legal power to do and has complied with proper practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered the financial and other risks it faces and has dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this smaller authority and, where appropriate have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	has met all of its responsibilities where it is a sole managing trustee of a local trust or trusts.

This annual governance statement is approved by this smaller authority on:

08/06/2017

and recorded as minute reference:

C.84-06.17, 2 ii

Signed by Chair at meeting where approval is given:

Clare L. Fildhouse

Clerk:

KJ Keefe

\*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how this smaller authority will address the weaknesses identified.

## Section 2 – Accounting statements 2016/17 for

Enter name of smaller authority here:

LEDBURY TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2016 £	31 March 2017 £	
1. Balances brought forward	290,250	308,595	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	271,786	305,050	Total amount of precept (or for IDBs, rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	81,481	69,407	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	119,405 RESTATED	127,942	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the smaller authority's borrowings (if any).
6. (-) All other payments	215,517 RESTATED	213,361	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	308,595	341,750	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8. Total value of cash and short term investments	301,033	326,561	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>To agree with bank reconciliation.</b>
9. Total fixed assets plus long term investments and assets	1,057,649	749,409 RESTATED	This cell shows the value of all the property the authority owns. It is made up of its fixed assets and long-term investments.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council acts as sole trustee for and is responsible for managing Trust funds or assets. N.B. The figures in the accounting statements above do not include any Trust transactions.
		X	

I certify that for the year ended 31 March 2017 the accounting statements in this annual return present fairly the financial position of this smaller authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

*R. Mitchell*

Date: 01/06/2017

I confirm that these accounting statements were approved by this smaller authority on:

08/06/2017

and recorded as minute reference:

C.84-06.17, 2 iii

Signed by Chair at meeting where approval is given:

*Clare H. Edwards*

# Section 3 – External auditor report and certificate

In respect of:

Enter name of smaller authority here:

LEDBURY TOWN COUNCIL

## 1. Respective responsibilities of the body and the auditor

This smaller authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The smaller authority prepares an annual return in accordance with proper practices which:

- summarises the accounting records for the year ended 31 March 2017; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review the annual return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

## 2. 2016/17 External auditor report

(Except for the matters reported below)\* on the basis of our review of the annual return, in our opinion the information in the annual return is in accordance with proper practices and no other matters have come to our attention giving cause for concern that relevant legislative and regulatory requirements have not been met. (\*delete as appropriate).

See attached

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the smaller authority:

See attached

(continue on a separate sheet if required)

## 3. 2016/17 External auditor certificate

We certify/~~do not certify~~\* that we have completed our review of the annual return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2017.

\* We do not certify completion because:

External auditor signature Grant Thornton UK LLP

External auditor name **Grant Thornton UK LLP** Date 10/7/18

Note: The NAO issued guidance applicable to external auditors' work on 2016/17 accounts in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))

# Annual internal audit report 2016/17 to

Enter name of smaller authority here:

LEDbury Town Council

This smaller authority's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2017.

Internal audit has been carried out in accordance with this smaller authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this smaller authority.

Internal control objective	Agreed? Please choose only one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been kept properly throughout the year:	✓		
B. This smaller authority met its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This smaller authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this smaller authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		

K. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			N/A

For any other risk areas identified by this smaller authority adequate controls existed (list any other risk areas below or on separate sheets if needed)

Name of person who carried out the internal audit

A Shepherd-Roberts

Signature of person who carried out the internal audit

For Auditing Solutions Ltd

Date

8/05/2014

\*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

**This page is part of Section 3 - External auditor certificate and opinion 2016/17**

**Ledbury Town Council**

**External Auditor Report for the year ended 31 March 2017**

## **Matters reported**

### ***Objections***

We received five objections in relation to expenditure incurred by the Council and the underlying governance arrangements that required investigation and incurred additional costs in the review of the Council's 2016-17 Annual Return.

These objections requested that we issue a Public Interest Report in relation to the matters raised. We have investigated these matters and whilst we have concluded that it is not appropriate for us to issue a Public Interest Report, we have identified a number of areas where the Council should improve its governance arrangements.

### ***Section 1 - Annual Governance Statement - Assertion 3***

The Council has responded 'Yes' to assertion 3 on the Annual Governance Statement that it has taken all reasonable steps to assure itself that there were no matters of actual or potential non-compliance with laws, regulations and proper practice.

The Council has been subject to a Judicial Review following its decision, taken on the 5 May 2016, to apply sanctions against two councillors, which was alleged to be unlawful.

The Judgement was published on 15 May 2018 and found for the claimant, quashing the 2017 decision to continue and enlarge the sanctions first imposed in 2016. In essence, the Judge agreed that the Council was misguided in not applying the Code of Conduct procedures and that the sanctions imposed were beyond the Council's powers. The Judge also confirmed that there was significant procedural unfairness.

This Judgement therefore confirmed the allegation that the decision to impose sanctions was unlawful. Consequently, we consider that the Council's response to Assertion 3 should be 'No'.

### ***Mayor's Charity***

The Ledbury Town Council's Mayor's Charity is the term used for a fundraising campaign run by the Mayor appointed each year on behalf of a recognised charity of their choice. It is not an entity in its own right and is not part of the Town Council's business. The 'charity' has its own bank account and finances are kept separate. However, concerns have been raised regarding the lack of transparency in relation to the operation and promotion of the Charity and the risk that it could be perceived as forming a part of the Town Council's activities.



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### **Ledbury Town Council**

### **External Auditor Report for the year ended 31 March 2017**

Our responsibilities only apply to the activities of the Council and we are satisfied that there is an appropriate separation of the Charity's income and expenditure from that of the Town Council and no Charity activities have been included in the Council's own accounts.

However, in our view, the level of promotion of the Charity's activities by the Town Council and involvement of some of the Council's staff with the Charity could lead to confusion within the Town regarding the status of the mayor's charity activities. We therefore recommend that the Council reviews its website and other public information to ensure that there is as much clarity as possible about the fact that the charity is not part of the Council's business.

#### ***Allocation and Recovery of Grant Monies***

During the year the Council paid a grant to the Love Ledbury charity to pay for improvements to public toilets in the Town. The Council became aware, however, that the grant was being used to pay for expenditure other than as intended, and requested that the charity should complete a 'grant closure form' showing how the money had been spent. This identified that £3,944 had not yet been spent and this amount was therefore requested back from the charity.

Whilst our review has concluded that it was appropriate to recover this unspent grant money from the Charity, we have identified that the practice of completing 'grant closure forms' is not applied consistently across all organisations that receive a grant from the Council. This may result in grants being allocated and paid to organisations not being used for the specific purpose approved by the Council.

We recommend that the Council reviews its process for awarding grants and seeking assurances from the recipient organisations that the funds have been utilised for the purposes approved by the Council. This process should ensure that there is a consistent approach to reclaim any grant funds not used for the approved purpose.

#### ***Use of Emergency Powers to set aside Financial Regulations***

The Council's Financial Regulations (section 11.1h) require that three competitive quotes should be obtained for goods and services supplied to the Council. These requirements can only be set aside in an emergency (section 11.1a). This section includes specialist services provided by solicitors.

The Council employed legal advisors in connection with the Judicial Review and we understand that they relied upon these emergency provisions within the Financial

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**Ledbury Town Council**

**External Auditor Report for the year ended 31 March 2017**

Regulations to make the appointment without going to tender. However, the Council has not been able to provide evidence that this emergency appointment was subsequently discussed or approved by the Council.

We recommend that the Council should ensure that where contracts are entered into which rely upon the emergency provisions within the Financial Regulations, there is clear documentation of the fact that the emergency provisions are being used and why, and that this decision is then discussed by the Council at the earliest opportunity.

#### ***Code of Conduct and Grievance Procedures***

The Council has confirmed that it needs to review its Code of Conduct and Grievance Procedures to ensure that they remain fit for purpose. It has delayed updating these procedures as it was pending the outcome of the Judicial Review. Now that this process has been concluded, the Council should review and update its procedures.

**Other matters not affecting our opinion which we wish to draw to the attention of the authority**

#### ***Section 2 - Accounting Statements - Accounting for Fixed Assets***

It has come to our attention that Box 9 of Section 2 of the Annual Return, the Accounting Statements, has changed between 2015/16 and 2016/17 due to a revaluation of the Council's fixed assets after the discovery of deeds showing the original purchase cost of certain assets. The Council has not restated the previous years' figure. Where a change is required as a result of enhanced evidence that impacts prior years, the Council should ensure that figures are restated and are identified as such on the Annual Return.

*Grant Thornton UK LLP*

**Grant Thornton UK LLP**

**Date**

*10/7/18*

**Our ref: HRF071**