

# Mid Sussex District Council Audit Results Report

Year ended 31 March 2021  
March 2023

15 March 2023



Dear Audit Committee Members

We are pleased to attach our audit results report, summarising the status of our audit for the forthcoming meeting of the Audit Committee.

The audit is designed to express an opinion on the 2020/21 financial statements and address current statutory and regulatory requirements. This report contains our findings related to the areas of audit emphasis, our views on Mid Sussex District Council's accounting policies and judgements and material internal control findings. Each year sees further enhancements to the level of audit challenge and the quality of evidence required to achieve the robust professional scepticism that society expects. We thank the management team for supporting this process.

We previously reported to you in March 2022 when we reported we had completed a substantial amount of the audit. However, at that time we have received an objection to the 2020/21 accounts from a local elector which was in progress. We have now completed our work on the objection, and so the audit is complete.

This report is intended solely for the information and use of the Audit Committee, other members of the Council and senior management. It is not intended to be and should not be used by anyone other than these specified parties.

We welcome the opportunity to discuss the contents of this report with you at the Audit Committee meeting on 19 April 2023

Kevin Suter

Partner

For and on behalf of Ernst & Young LLP

Encl

# Contents

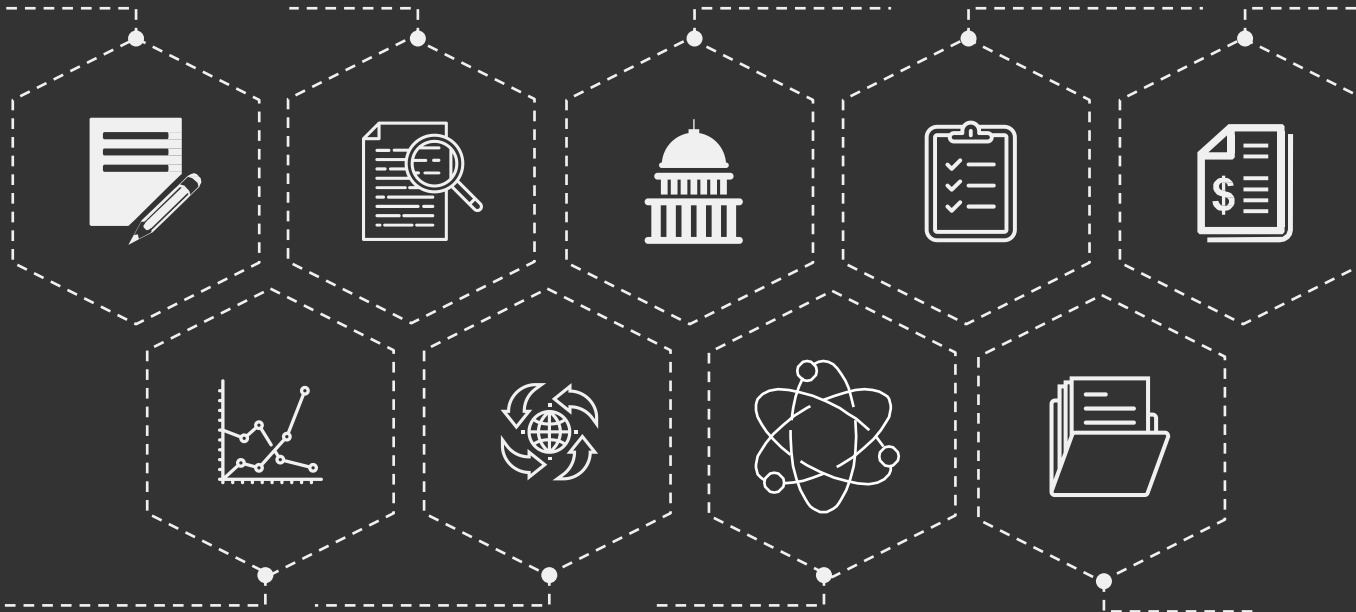
01 Executive Summary

02 Areas of Audit Focus

03 Audit Report

04 Audit Differences

05 Value for Money



06 Other Reporting Issues

07 Assessment of Control Environment

08 Independence

09 Appendices

Public Sector Audit Appointments Ltd (PSAA) issued the "Statement of responsibilities of auditors and audited bodies". It is available from the PSAA website (<https://www.psa.co.uk/audit-quality/statement-of-responsibilities/>). The Statement of responsibilities serves as the formal terms of engagement between appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The "Terms of Appointment and further guidance (updated April 2018)" issued by the PSAA sets out additional requirements that auditors must comply with, over and above those set out in the National Audit Office Code of Audit Practice (the Code) and in legislation, and covers matters of practice and procedure which are of a recurring nature.

This report is made solely to the Audit Committee and management of Mid Sussex District Council in accordance with the statement of responsibilities. Our work has been undertaken so that we might state to the Audit Committee, and management of Mid Sussex District Council those matters we are required to state to them in this report and for no other purpose. To the fullest extent permitted by law we do not accept or assume responsibility to anyone other than the Audit Committee and management of Mid Sussex District Council for this report or for the opinions we have formed. It should not be provided to any third-party without our prior written consent.





# 01 Executive Summary

# Executive Summary

## Scope update

In our audit planning report presented at the 27 July 2021 Audit Committee meeting, we provided you with an overview of our audit scope and approach for the audit of the financial statements. Below we have highlighted the changes to that scope:

### Changes in materiality

We updated our planning materiality assessment using the draft results and have also reconsidered our risk assessment. Based on our materiality measure of gross expenditure on provision of services, we have updated our overall materiality assessment to £1.64m (Audit Planning Report – £1.59m). This results in updated performance materiality, at 75% of overall materiality, of £1.22m, and an updated threshold for reporting uncorrected misstatements of £81,321.

We also identified areas where misstatement at a lower level than our overall materiality level might influence the reader and developed an audit strategy specific to these areas, including:

- ▶ Remuneration disclosures including any severance payments, exit packages and termination benefits. We audit these fully given their inherent sensitive nature.
- ▶ Related party transactions. We consider any related parties in terms of the underlying relationship and potential influence, and not simply the overall values disclosed.

## Status of the audit

We have substantially completed our audit of Mid Sussex District Council's financial statements for the year ended 31 March 2021 and have performed the procedures outlined in our Audit planning report. The remaining areas to complete on the audit are those associated with the final presentation of this report, and approval of the accounts by the Council:

- ▶ Completion of subsequent events review up to date of signing the audit report;
- ▶ Receipt of approved and signed accounts; and
- ▶ Receipt of the signed management representation letter.

## Audit differences

We identified a material difference on the investment property valuations which management have corrected.

Full details are available in section 4.



# Executive Summary

## Areas of audit focus

Our Audit Planning Report identified key areas of focus for our audit of the Council's financial statements. This report sets out our observations and conclusions, including our views on areas which might be conservative, and where there is potential risk and exposure. We summarise our consideration of these matters, and any others identified, in the "Key Audit Issues" section of this report.

We ask you to review these and any other matters in this report to ensure:

- ▶ There are no other considerations or matters that could have an impact on these issues
- ▶ You agree with the resolution of the issue
- ▶ There are no other significant issues to be considered.

There are no matters, apart from those reported by management or disclosed in this report, which we believe should be brought to the attention of the Audit Committee.

## Auditor responsibilities under the new Code of Audit Practice 2020

Under the Code of Audit Practice 2020 we are still required to consider whether the Council has put in place 'proper arrangements' to secure economy, efficiency and effectiveness on its use of resources. The 2020 Code requires the auditor to design their work to provide them with sufficient assurance to enable them to report to the Council a commentary against specified reporting criteria (see below) on the arrangements the Council has in place to secure value for money through economic, efficient and effective use of its resources for the relevant period.

The specified reporting criteria are:

- Financial sustainability  
How the Council plans and manages its resources to ensure it can continue to deliver its services;
- Governance  
How the Council ensures that it makes informed decisions and properly manages its risks; and
- Improving economy, efficiency and effectiveness:  
How the Council uses information about its costs and performance to improve the way it manages and delivers its services.

## Status of the audit - Value for Money

Our value for money work is complete, and we have no matters to draw to your attention. Our detailed value for money commentary is included in our Auditor's Annual Report.



# Executive Summary

---

## Other reporting issues

We have reviewed the information presented in the Annual Governance Statement for consistency with our knowledge of the Council. We have no matters to report as a result of this work.

We have no matters to report in respect of the Council's Whole of Government Accounts submission. The Council was below the threshold for detailed procedures set by the NAO's group instruction.

## Objection to the accounts

We have received an objection to the 2020/21 accounts from members of the public.

We issued our decision and statement of reasons on 03 March 2023. We decided not to apply to the court for a declaration of an unlawful item of account, or to issue a public interest report.

Further information is included in section 6 of this report

## Control observations

We have identified a deficiency in the design of internal controls in relation to property valuation. Please see section 7 for full details.

## Independence

We have no issues to report.

Please refer to Section 8 for our update on Independence.



02

## Areas of Audit Focus





## Areas of Audit Focus

# Significant risk

### Misstatements due to fraud or error

#### What is the risk?

The financial statements as a whole are not free of material misstatements whether caused by fraud or error. As identified in ISA (UK and Ireland) 240, management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records directly or indirectly and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. We identify and respond to this fraud risk on every audit engagement.

#### What judgements are we focused on?

As part of our work we focused the key judgemental areas of financial statements, such as accounting policies, the model applied to the minimum revenue provision and unusual transactions.

We reviewed accounting estimates for evidence of management bias, and specifically focused on the following:

- ▶ IAS 19 disclosures;
- ▶ NDR appeals provision; and
- ▶ Valuation of land and buildings in Property, Plant and Equipment and Investment Properties.

#### What did we do?

We have performed the procedures described in our original audit plan. Please see the following page for full details.

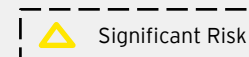
#### What are our conclusions?

Our audit work found no evidence that management had attempted to override internal controls.

We have not identified any instances of inappropriate judgements being applied.

We did not identify any other transactions during our audit which appeared unusual or outside the Authority's normal course of business.

This conclusion is based on detailed testing of accounts entries susceptible to potential manipulation





## Areas of Audit Focus

# Significant risk



### Further details on procedures/work performed

We identified the key fraud risks at the planning stage of the audit and considered the effectiveness of management's controls that are designed to address the risk of fraud. We updated our understanding of the risks of fraud and the controls put in place to address them and made enquiries of Internal Audit, management and those charged with governance to support our understanding.

We have:

- ▶ Inquired of management about risks of fraud and the controls put in place to address those risks.
- ▶ Understood the oversight given by those charged with governance of management's processes over fraud.
- ▶ Considered of the effectiveness of management's controls designed to address the risk of fraud.

Performed mandatory procedures regardless of specifically identified fraud risks, including:

- ▶ Reviewed the appropriateness of journal entries recorded in the general ledger, and other adjustments made in the preparation of the financial statements.
- ▶ Reviewed, discussed with management and challenged any accounting estimates on revenue or expenditure recognition for evidence of bias, specifically:
  - ▶ IAS 19 disclosures;
  - ▶ NDR appeals provision; and
  - ▶ Valuation of land and buildings in Property, Plant and Equipment and Investment Properties.

We found that the valuation method for each of the above has not changed from prior years.

- ▶ Reviewed the transactions in the financial statements for evidence of any significant unusual transactions.
- ▶ In addition to our overall response, we considered where these risks may present themselves and identified a separate fraud risk related to the capitalisation of revenue expenditure as set out on the next slide.



## Areas of Audit Focus

# Significant risk

### Risk of fraud in revenue recognition - inappropriate capitalisation of revenue expenditure

#### What is the risk?

Under ISA 240 there is a presumed risk that revenue may be misstated due to improper revenue recognition. In the public sector, this requirement is modified by Practice Note 10 issued by the Financial Reporting Council, which states that auditors should also consider the risk that material misstatements may occur by the manipulation of expenditure recognition.

From our risk assessment, we have assessed that the risk manifests itself solely through the inappropriate capitalisation of revenue expenditure to improve the financial position of the general fund.

Capitalised revenue expenditure can be funded through borrowing with only minimal MRP charges recorded in the general fund, deferring the expenditure for 30+ years when the borrowing is repaid

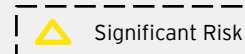
#### What did we do?

Our approach will focus on:

- ▶ For significant additions we examined invoices, capital expenditure authorisations, leases and other data that support the additions. We reviewed the sample selected against the definition of capital expenditure in IAS 16.
- ▶ We extended our testing of items capitalised in the year by lowering our testing threshold. We will also review a larger random sample of capital additions below our testing threshold.
- ▶ Journal testing - we used our testing of Journals to identify high risk transactions, such as items originally recorded as revenue expenditure and subsequently capitalised.

#### What are our conclusions?

We are satisfied that capital additions made in the year met the requirements of IAS 16, and had been correctly capitalised





## Areas of Audit Focus

# Significant risk

### Risk of fraud in revenue recognition - sales, fees and charges income grant

#### What is the risk?

As one of the responses to the Covid-19 pandemic and its impact on Local Authority finances, the Government introduced a reimbursement scheme for lost fees and charges income. After an initial 5% reduction for annual variability, local authorities are funded for 75% of their claimed losses.

There is both incentive and opportunity for local authorities to inflate the returns to Central Government, and claim for funds that they are not entitled to under the scheme. There is also the potential for error.

The Council received £2.2m, and therefore, there is the potential this could be materially overstated.

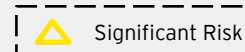
#### What did we do?

Our approach focused on:

- ▶ Gain an understanding of the Council's process for completing the fees and charges reimbursement grants returns to Central Government
- ▶ Assess whether those returns appropriately follow the guidance
- ▶ Review whether the values included can be supported by relevant and appropriate evidence

#### What are our conclusions?

We are satisfied that the grant return was not materially misstated.







## Areas of Audit Focus

# Significant risk

### Valuation of investment property

#### What is the risk?

The Council holds a significant investment property portfolio. The valuation of property is complex and subject to several assumptions and judgements. A small movement in these assumptions can have a material impact on the financial statements.

Difficulties in the retail sector in particular have led to many retailers, including well-known names, closing stores, going into administration, or otherwise looking to reduce their rental costs by renegotiating existing leases.

These difficulties have had a direct impact on the value of the retail units (high street shops, out of town retail parks and shopping centres) leased to retailers.

#### What did we do?

We have:

- ▶ Considered the work performed by the Council's valuer, this included a review of the adequacy of the scope of the work performed, their professional capabilities and the results of their work;
- ▶ Sample tested key asset information used by the valuer in performing their valuation (e.g. floor plans to support valuations based on price per square metre);
- ▶ instructed our own Property valuation team (EY Real Estates) to review a sample of property valuations performed by the Council's Valuer
- ▶ Consider the annual cycle of valuations to ensure that investment properties are being revalued every year.
- ▶ Tested accounting entries have been correctly processed in the financial statements; and
- ▶ We also noted that the Council valuer attached a 'material uncertainty' clause to their valuation as a result of Covid. We reviewed the adequacy of the disclosure of this in the Council's accounts.

#### What are our conclusions?

We instructed our property valuation team to review a sample of the valuation performed by the Council. The review focuses on whether the valuation is based on reasonable and supportable assumptions.

From this review we identified three asset values were misstated. The key areas our valuation team identified differences on were;

- Where the current tenant has a short period remaining on their tenancy, the valuation should allow for a void and incentive period at the end of the current lease
- Purchase costs should be deducted on the valuation due to the UK market reporting yields on a net basis
- The valuer was unable to support their assumption on market rent
- One asset was valued on the incorrect basis

Following the correction of these misstatements, we conclude that the balance is fairly stated and do not modify our audit opinion in respect of this matter.





## Areas of Audit Focus

### other risk

#### Valuation of property, plant & equipment

##### What is the risk?

The fair value of Property, Plant and Equipment (PPE) represent significant balances in the Council's accounts and is subject to valuation changes and impairment reviews.

Management is required to make material judgements about key assumptions and apply estimation techniques to calculate the year-end balances recorded in the balance sheet.

##### What did we do?

We have:

- ▶ Considered the work performed by the Council's valuer, this included a review of the adequacy of the scope of the work performed, their professional capabilities and the results of their work;
- ▶ Sample tested key asset information used by the valuer in performing their valuation (e.g. floor plans to support valuations based on price per square metre);
- ▶ Consider the annual cycle of valuations to ensure that assets have been valued within a 5 year rolling programme as required by the Code for PPE.
- ▶ Reviewed assets not subject to valuation in 2019/20 to confirm that the remaining asset base is not materially misstated;
- ▶ Considered changes to useful economic lives as a result of the most recent valuation;
- ▶ Tested accounting entries have been correctly processed in the financial statements; and
- ▶ We also noted that the Council valuer attached a 'material uncertainty' clause to their valuation as a result of Covid. We reviewed the adequacy of the disclosure of this in the Council's accounts.

##### What are our conclusions?

We are satisfied that the valuation of property, plant and equipment is fairly stated and appropriately disclosed.



## Areas of Audit Focus

### Other risk

#### Net pension liability valuation

##### What is the risk?

The Local Authority Accounting Code of Practice and IAS19 require the Council to make extensive disclosures within its financial statements regarding its membership of the Local Government Pension Scheme administered by West Sussex County Council.

The Council's pension fund net liability is a material estimated balance and the Code requires that this liability be disclosed on the Council's balance sheet. At 31 March 2021 this totalled £21,247k.

The information disclosed is based on the IAS 19 report issued to the Council by the actuary to the County Council. Accounting for this scheme involves significant estimation and judgement and therefore management engages an actuary to undertake the calculations on their behalf. ISAs (UK and Ireland) 500 and 540 require us to undertake procedures on the use of management experts and the assumptions underlying fair value estimates.

##### What did we do?

We have:

- ▶ Liaised with the auditors of West Sussex Pension Fund to obtain assurances over the information supplied to the actuary in relation to West Sussex County Council.
- ▶ Assess the work of the Pension Fund actuary (Hymans Robertson) including the assumptions they have used by relying on the work of PWC - Consulting Actuaries commissioned by Public Sector Auditor Appointments for all Local Government sector auditors, and considering any relevant reviews by the EY actuarial team; and
- ▶ Review and test the accounting entries and disclosures made within the Council's financial statements in relation to IAS19;
- ▶ In accordance with the new ISA540 (revised) standard, we tested the actuarial model to confirm it is appropriately designed, consistently applied and mathematically accurate. We involved our EY Pensions specialists to perform this work.

##### What are our conclusions?

We identified that the pension asset value at 31 March 2021 used by the actuary in their report was overstated by £293k.

As the difference is not material, we concluded that the net pension liability was fairly stated.



## Areas of Audit Focus

### Other risk

#### Accounting for Covid business grants

##### What is the risk?

Central Government have provided a number of new and different Covid-19 related grants to local authorities during the year. There are also funds that have been provided for the Council to disseminate to other bodies. Whilst there is no change in the CIPFA Code or accounting standard (IFRS 15) in respect of accounting for grant funding, the emergency nature of some of the grants received and in some cases the lack of clarity on any associated restrictions and conditions, means that the Council will need to apply a greater degree of assessment and judgement to determine the appropriate accounting treatment in the 2020/21 statements. The Council needs to assess whether it is acting as a principal or agent, with the accounting to follow that decision. For those where the decision is a principal, it also needs to assess whether there are any initial conditions that may also affect the recognition of the grants as revenue during 2020/21.

##### What did we do?

We have:

- ▶ Reviewed the Council's decision for new grant or funding arrangements whether it is acting as principal or agent;
- ▶ Reviewed whether any initial conditions are attached to grants impacting their recognition;
- ▶ Assessed whether the accounting appropriately follows those judgements; and
- ▶ Checked the Council has adequately disclosed grant income received in the year, under both principal and agent arrangements.

##### What are our conclusions?

We are satisfied that officers have appropriately accounted for and disclosed Covid Business grants received in year, with the exception of the accounting for the 'Additional Restrictions Grant'.

The Council had initially classified this grant as agent, but the grant has discretionary elements and so should be accounted as it is acting as principal.

The council corrected the accounting, increasing both income and expenditure by £3.692m.





## Areas of Audit Focus

### Other risk

#### Going Concern Disclosure

##### What is the risk?

The standard is effective for audits of financial statements for periods commencing on or after 15 December 2019. This auditing standard has been revised in response to enforcement cases and well-publicised corporate failures where the auditor's report failed to highlight concerns about the prospects of entities which collapsed shortly after. CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 states that an authority's financial statements shall be prepared on a going concern basis; the accounts should be prepared on the assumption that the functions of the authority will continue in operational existence for the foreseeable future and can only be discontinued under statutory prescription.

However, ISA 570, as applied by Practice Note 10: Audit of financial statements of public sector bodies in the United Kingdom, still requires auditors to undertake sufficient and appropriate audit procedures to consider whether there is a material uncertainty on going concern that requires reporting by management within the financial statements, and within the auditor's report.

The revised standard increases the work we are required to perform when assessing whether the Council is a going concern. It means UK auditors will follow significantly stronger requirements than those required by current international standards, and we have therefore judged it appropriate to bring this to the attention of the Audit Committee. To do this, the auditor must review management's assessment of the going concern basis applying IAS1 Presentation of Financial Statements.

##### What did we do?

We sought a documented and detailed consideration to support management's assertion regarding the going concern basis. Our audit procedures to review these included consideration of:

- ▶ Current and developing environment;
- ▶ Liquidity (operational and funding);
- ▶ Mitigating factors;
- ▶ Management information and forecasting; and
- ▶ Sensitivities and stress testing.

##### What are our conclusions?

We have reviewed managements Going Concern assessment and confirm their conclusion that the Council remains a Going Concern is based on reasonable and supportable assumptions.

We have also reviewed managements updated Going Concern Disclosure and confirmed it sufficiently detailed, transparent and accurately reflects managements underlying Going Concern assessment.



# 03 Audit Report



# Audit Report

## Draft audit report

### Our opinion on the financial statements

#### INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF MID SUSSEX DISTRICT COUNCIL

##### Opinion

We have audited the financial statements of Mid Sussex District Council for the year ended 31 March 2021 under the Local Audit and Accountability Act 2014. The financial statements comprise the:

- Movement in Reserves Statement,
- Comprehensive Income and Expenditure Statement,
- Balance Sheet,
- Cash Flow Statement,
- and the related notes 1 to 40.
- Collection Fund and the related notes 1 to 4

The financial reporting framework that has been applied in their preparation is applicable law and the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.

In our opinion the financial statements:

- give a true and fair view of the financial position of Mid Sussex District Council as at 31 March 2021 and of its expenditure and income for the year then ended; and
- have been prepared properly in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.

##### Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK)) and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of our report below. We are independent of the Authority in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard and the Comptroller and Auditor General's (C&AG) AGN01, and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

##### Conclusions relating to going concern

In auditing the financial statements, we have concluded that Head of Corporate Resources' use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the authority's ability to continue as a going concern for a period 12 months from when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the Head of Corporate Resources with respect to going concern are described in the relevant sections of this report. However, because not all future events or conditions can be predicted, this statement is not a guarantee as to the authority's ability to continue as a going concern.

##### Other information

The other information comprises the information included in the Statement of Accounts for the Financial Year 2020/21, other than the financial statements and our auditor's report thereon. The Head of Corporate Resources is responsible for the other information.

Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in this report, we do not express any form of assurance conclusion thereon.

Our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements themselves. If, based on the work we have performed, we conclude that there is a material misstatement of the other information, we are required to report that fact.



# Audit Report

## Draft audit report - example only

### Our opinion on the financial statements

We have nothing to report in this regard.

#### Matters on which we report by exception

We report to you if:

- in our opinion the annual governance statement is misleading or inconsistent with other information forthcoming from the audit or our knowledge of the Council;
- we issue a report in the public interest under section 24 of the Local Audit and Accountability Act 2014;
- we make written recommendations to the audited body under Section 24 of the Local Audit and Accountability Act 2014;
- we make an application to the court for a declaration that an item of account is contrary to law under Section 28 of the Local Audit and Accountability Act 2014;
- we issue an advisory notice under Section 29 of the Local Audit and Accountability Act 2014;
- we make an application for judicial review under Section 31 of the Local Audit and Accountability Act 2014.
- we are not satisfied that the Authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2021

We have nothing to report in these respects.

#### Responsibility of the Head of Corporate Resources

As explained more fully in the Statement of the Head of Corporate Resources Responsibilities set out on page 4, the Head of Corporate Resources is responsible for the preparation of the Statement of Accounts, which includes the financial statements, in accordance with proper practices as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21, and for being satisfied that they give a true and fair view and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Head of Corporate Resources is responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Authority either intends to cease operations, or have no realistic alternative but to do so.

The Authority is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance, and to review regularly the adequacy and effectiveness of these arrangements.

#### Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. We design procedures in line with our responsibilities, outlined above, to detect irregularities, including fraud. The risk of not detecting a material misstatement due to fraud is higher than the risk of not detecting one resulting from error, as fraud may involve deliberate concealment by, for example, forgery or intentional misrepresentations, or through collusion.

The extent to which our procedures are capable of detecting irregularities, including fraud is detailed below. However, the primary responsibility for the prevention and detection of fraud rests with both those charged with governance of the entity and management





# Audit Report

## Draft audit report - example only

### Our opinion on the financial statements

We obtained an understanding of the legal and regulatory frameworks that are applicable to the council and determined that the most significant are:

- Local Government Act 1972,
- Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992) ,
- Local Government Act 2003,
- The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 as amended in 2018 and 2020,
- Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (SI 2010/948)
- The Public Contracts Regulations 2015;
- The Local Audit and Accountability Act 2014, and
- The Accounts and Audit Regulations 2015.

In addition, the Council has to comply with laws and regulations in the areas of anti-bribery and corruption, data protection, employment Legislation, tax Legislation, general power of competence, procurement and health & safety.

We understood how Mid Sussex District Council is complying with those frameworks by understanding the incentive, opportunities and motives for non-compliance, including inquiring of management, head of internal audit and those charged with governance and obtaining and reading documentation relating to the procedures in place to identify, evaluate and comply with laws and regulations, and whether they are aware of instances of non-compliance. We corroborated this through our reading of the Council's committee minutes, through enquiry of employees to confirm Council policies, and through the inspection of employee handbooks and other information. Based on this understanding we designed our audit procedures to identify non-compliance with such laws and regulations. Our procedures had a focus on compliance with the accounting framework through obtaining sufficient audit evidence in line with the level of risk identified and with relevant legislation

We assessed the susceptibility of the Council's financial statements to material misstatement, including how fraud might occur by understanding the potential incentives and pressures for management to manipulate the financial statements, and performed procedures to understand the areas in which this would most likely arise. Based on our risk assessment procedures, we identified inappropriate capitalisation of revenue expenditure, Risk of fraud in revenue recognition - sales, fees and charges income grant and management override of controls to be our fraud risks.

To address our fraud risk of inappropriate capitalisation of revenue expenditure we tested the Council's capitalised expenditure to ensure the capitalisation criteria were properly met and the expenditure was genuine.

To address our fraud risk of fraud in revenue recognition - sales, fees and charges income grant we assessed whether the grant return appropriately followed the guidance, and whether the values included in the return were supported by relevant and appropriate evidence .

To address our fraud risk of management override of controls, we tested specific journal entries identified by applying risk criteria to the entire population of journals. For each journal selected, we tested specific transactions back to source documentation to confirm that the journals were authorised and accounted for appropriately.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at <https://www.frc.org.uk/auditorsresponsibilities>. This description forms part of our auditor's report.



# Audit Report

## Draft audit report - example only

### Our opinion on the financial statements

#### Scope of the review of arrangements for securing economy, efficiency and effectiveness in the use of resources

We have undertaken our review in accordance with the Code of Audit Practice, having regard to the guidance on the specified reporting criteria issued by the Comptroller and Auditor General (C&AG) in April 2021, as to whether Mid Sussex District Council had proper arrangements for financial sustainability, governance and improving economy, efficiency and effectiveness. The Comptroller and Auditor General determined these criteria as those necessary for us to consider under the Code of Audit Practice in satisfying ourselves whether Mid Sussex District Council put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2021

We planned our work in accordance with the Code of Audit Practice. Based on our risk assessment, we undertook such work as we considered necessary to form a view on whether, in all significant respects, the Mid Sussex District Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

We are required under Section 20(1)(c) of the Local Audit and Accountability Act 2014 to satisfy ourselves that the Authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

We are not required to consider, nor have we considered, whether all aspects of the Authority's arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.

#### Delay in certification of completion of the audit

We cannot formally conclude the audit and issue an audit certificate until the NAO as group auditor has confirmed that no further assurances will be required from us as component auditors of Mid Sussex District Council. We are satisfied that this work does not have a material effect on the financial statements or our work on value for money arrangements.

#### Use of our report

This report is made solely to the members of Mid Sussex District Council, as a body, in accordance with Part 5 of the Local Audit and Accountability Act 2014 and for no other purpose, as set out in paragraph 43 of the Statement of Responsibilities of Auditors and Audited Bodies published by Public Sector Audit Appointments Limited. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Authority and the Authority's members as a body, for our audit work, for this report, or for the opinions we have formed.



# 04 Audit Differences





# Audit Differences

In the normal course of any audit, we identify misstatements between amounts we believe should be recorded in the financial statements and the disclosures and amounts actually recorded. These differences are classified as “known” or “judgemental”. Known differences represent items that can be accurately quantified and relate to a definite set of facts or circumstances. Judgemental differences generally involve estimation and relate to facts or circumstances that are uncertain or open to interpretation.

## Summary of differences

### Corrected Misstatements:

We highlight the following misstatements greater than £1.22m which have been corrected by management that were identified during the course of our audit.

- We have identified judgemental errors in the valuation of investment property. We identified three investment properties which were overstated by a net total of £1.4m (See page 13)
- We identified a grant incorrectly accounted as agent which should have been accounted as principal. Management updated the accounts, increasing both income and expenditure by £3.692m (See page 16)

### Uncorrected Misstatements:

We report to you any uncorrected misstatements greater than our nominal value of £81k.

- We identified that the pension assets were overstated by £293k. (see page 15)





05

## Value for Money



# Value for money

## The Council's responsibilities for value for money (VFM)

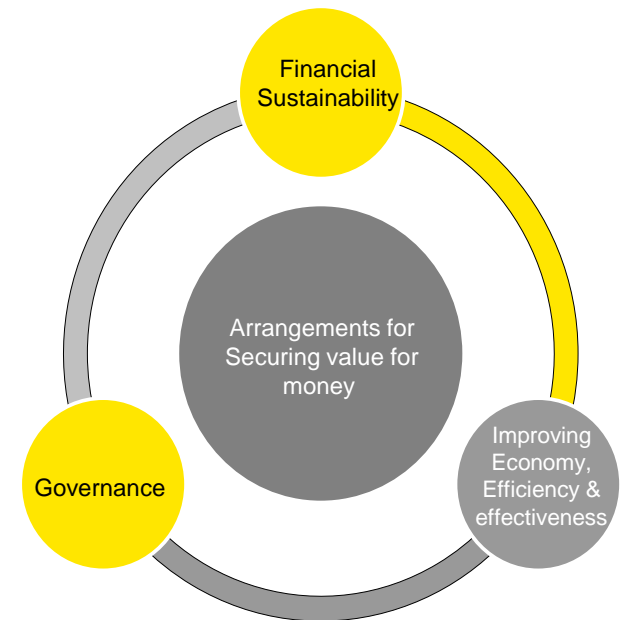
The Council is required to maintain an effective system of internal control that supports the achievement of its policies, aims and objectives while safeguarding and securing value for money from the public funds and other resources at its disposal.

As part of the material published with its financial statements, the Council is required to bring together commentary on its governance framework and how this has operated during the period in a governance statement. In preparing its governance statement, the Council tailors the content to reflect its own individual circumstances, consistent with the requirements set out in the Cipfa code of practice on local authority accounting. This includes a requirement to provide commentary on its arrangements for securing value for money from their use of resources.

## Risk assessment and Status of our VFM work

We have completed our procedures and have not identified any risks of significant weaknesses in the Council's arrangements. This includes consideration of the results of our work on the objection to the accounts, and the recommendations made (See Section 6)

We will issue our VFM commentary in the Auditor's Annual Report.







## 06 Other reporting issues

## Other reporting issues

# Other reporting issues

### Consistency of other information published with the financial statements, including the Annual Governance Statement

We must give an opinion on the consistency of the financial and non-financial information in the Statement of Accounts 2020/21 with the audited financial statements

We must also review the Annual Governance Statement for completeness of disclosures, consistency with other information from our work, and whether it complies with relevant guidance.

Financial information in the Statement of Accounts 2020/21 and published with the financial statements was consistent with the audited financial statements.

We have reviewed the Annual Governance Statement and can confirm it is consistent with other information from our audit of the financial statements and we have no other matters to report.

### Whole of Government Accounts

Alongside our work on the financial statements, we also review and report to the National Audit Office on your Whole of Government Accounts return. The extent of our review, and the nature of our report, is specified by the National Audit Office.

We have no matters to report

### Other powers and duties

We have a duty under the Local Audit and Accountability Act 2014 to consider whether to report on any matter that comes to our attention in the course of the audit, either for the Council to consider it or to bring it to the attention of the public (i.e. "a report in the public interest"). We have not identified any issues which required us to issue a report in the public interest.

We also have a duty to make written recommendations to the Council, copied to the Secretary of State, and take action in accordance with our responsibilities under the Local Audit and Accountability Act 2014. We have not identify any issues.

### Other matters

We have no other matters to report.

# Other Powers and duties

### Objection to the accounts

We received an objection to the 2020/21 financial statements from a member of the public. The objection was received in two parts, on 6 and 10 September 2021, and contained 3 heads of objection. The items that in my discretion I decided to accept for consideration are summarised below:

For head of objection 1, I apply to the court under section 28 of the Local Audit and Accountability Act 2014 for a declaration that the following is an unlawful item of account: Payments recorded to Cross Stone Urban Regeneration, as they are made without a contract in apparent departure from the Council's own procurement guide and procurement legislation.

For head of objection 2, I issue a public interest report in relation to:

- a) Scrutiny Committees are ineffective; i): Issues relating to the Scrutiny Committee work programme
- c) Failure to follow the Constitution
- d) Lack of transparency, and openness with the public which has enabled the Council to prevent any potential judicial review of their decision to sell all of the land at Hurst Farm to Homes England and avoid public scrutiny;

For head of objection 3, I issue a public interest report in relation:

- 1) The timing of the sale of the land at Hurst Farm;
- 2) That the Council may not have received a fair share of the sales proceeds in its agreement with other landowners at the Hurst Farm site resulting in a loss of public funds.
- 3) There are risks to value for money from the Council's management of its commercial property investment in the Orchards shopping centre.
- 4) The land at Hurst Farm, which was within the Mid Sussex District boundary, was designated open space for residents, which was not considered by the Cabinet.

## Other reporting issues

### Objection to the accounts (continued)

In considering the objection we carried out the following work:

- Requested a formal response from the Council regarding the issues accepted for the objection;
- Reviewed the Council's formal response;
- Evaluated the information gained and identified the material information;
- Took our own legal advice;
- Drafted and shared provisional views with the objector and with the Council;
- Considered the comments in response to the provisional views from both parties.

### Summary of our decision

We decided that we would not apply to the court for a declaration of unlawful expenditure, nor would we issue a public interest report.

Our statement of reasons to our decision was issued on 03 March 2023. We set out a summary below of key areas for each of the heads of objection for the Committee's information. Our full rationale is set out within the Decision Letter and Statement of Reasons issued on 03 March 2023

Objection 1: I apply to the court under section 28 of the Local Audit and Accountability Act 2014 for a declaration that the following is an unlawful item of account: Payments recorded to Cross Stone Urban Regeneration, as they are made without a contract in apparent departure from the Council's own procurement guide and procurement legislation

Payments were made during the year to Cross Stone Urban Regeneration, a trading name of Cross Stone Securities Ltd (formerly Altyre Securities Ltd), who were one of the landowners of Hurst Farm. Payments were made under a Memorandum of Understanding, which were contributions by the Council for the costs incurred in the engagement of external specialists providing input to all the landowner parties to that Memorandum, proportionate to each landowner's land share.

The relationship with Cross Stone Securities Ltd was set out in a report to Cabinet during February 2018, the Budget Management 2017/18 - Progress Report April to December 2017. The report requested the approach was endorsed.

Legal advice was taken by the Council over the form of the arrangement, concluding it did not involve the creation of a public contract, and it was not likely a viable procurement challenge could arise.

The memorandum of agreement was updated in 2019, with signatories agreeing that Cross Stone Securities Ltd continue its role.

Legal advice provided by the objector highlighted concerns over this arrangement. Our own legal advice considered the matters raised, but did not agree that the relationship fell within the Public Contract Regulations.



# Other reporting issues

### Objection to the accounts (continued)

We have accordingly taken into account, despite there being a dispute on the correct interpretation of the law, that:

- There was, in the event, no challenge by any economic operator to the agreement and payments made.
- There is low likelihood of this situation recurring. The agreement has come to an end with the sale of Hurst Farm. The Council has confirmed there are no arrangements of the Council similar to this arrangement with multiple landowners. The Council officers have throughout our consideration of the objection strongly indicated that they would not undertake such an arrangement in future.
- The value concerned for the open year of account is £162,141.46. This exceeds our clearly trivial threshold, but is considerably less than what we would consider to be material to the accounts of £1.6 million.
- Only a Court judgment could definitively decide this matter; making an application to the Court is expensive, and could quickly amount to a not insignificant proportion of the above sum, which would need to be funded by local taxpayers.
- It is unclear how a declaration of the item to be unlawful, assuming that is the judgment of the courts, would make a clear difference for the future given that the situation is unlikely to recur.

In this case we decided, whether or not the item of account is unlawful, not to exercise our discretion to apply to the Court under section 28 of the Local Audit and Accountability Act 2014 for a declaration of an unlawful item of account.

We decided to set out a recommendation to the Council in the event that such a similar situation may arise in the future, however unlikely that may currently be considered. In our judgement this would be a proportionate response that would, if necessary, make difference for the future. Therefore, we make the following recommendation under Section 27(6) of the Local Audit and Accountability Act 2014.

#### **Recommendation:**

In the event of a procurement arrangement between partners, where the Council is not the lead party, it should in future seek legal advice to the extent that the relevant public procurement regulations and its own procurement rules apply to a 'downstream' procurement, before entering into such an arrangement.

#### Objection 2: I issue a public interest report in relation to: Scrutiny Committees are ineffective; i): Issues relating to the Scrutiny Committee work programme

The objection set out the objectors view that there was little to no evidence of the Scrutiny Committee actively developing their own work programmes and prioritising work, and the supporting evidence set out their view of incorrect advice given by the Monitoring Officer.

The Council's response to the objection responded that:

- At every meeting there is a specific agenda item on the work programme which the committee is invited to consider;

# Other reporting issues

### Objection to the accounts (continued)

- Council or Cabinet can ask Scrutiny Committees to consider specific issues; and
- Members can raise individual suggestions and if supported by the relevant committee, these can be incorporated into the work programme.

We confirmed the accuracy of each of these points, through review of the minutes of the Committee and of the Constitution.

In regard to the Monitoring Officer providing incorrect advice, the minutes of the committee meeting concerned did appear inconsistent with the constitution that “*Any member of the Scrutiny Committees shall be entitled to give notice to the Monitoring Officer that he/she wishes an item within the terms of reference of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Monitoring Officer will ensure that the request is included on the next available agenda.*” However, it was not clear from the minute whether the intention was to follow this process and give notification to the Monitoring Officer, or otherwise.

We noted that the Council has commissioned an external review of its governance arrangements which was presented to the Full Council meeting in September 2021. Actions are already underway.

### Objection 2: I issue a public interest report in relation to: Failure to follow the Constitution

The objection set out that the Council was failing to follow their Constitution because of:

- Failure to record key decisions in the forward plan: Clair Hall and Play Areas.
- Decision to keep play areas closed not recorded on the forward plan
- Decision to close Clair Hall and the subsequent call-in process - Minority report not considered by Cabinet or Council within 2 months of submission to the Monitoring Officer.
- Decision taken to transfer land taken by the wrong committee. Full Council, not the Cabinet meaning no separation of duties to allow the Scrutiny Process

Clair Hall: The Council has acknowledged that the process regarding Clair Hall should have been delayed in order that it could appear in the September Forward Plan, or the urgency procedure used. Therefore, the Council accepts there was a deficiency. We are aware that the Council has put in place processes to review the future of Clair Hall. This matter is already in the public domain, including consultation on the Council’s website for the future of the Hall.

On the issue of the minority report, explanation was provided with reference to paragraph 9 of the Scrutiny Procedure Rules. The rules provide for a Minority Report where a Scrutiny Committee has investigated a matter and cannot reach a consensus. The Council set out this was not the case for this matter. This was communicated to Members via a letter from the Council’s Monitoring Officer on 27 October 2020. Our review did not identify anything to contradict the view of the Monitoring Officer

# Other reporting issues

### Objection to the accounts (continued)

Play Areas: For Play areas, the council determined this was not a key decision and therefore was not required to be on the forward plan. We reviewed the definition of 'key decision' from The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 paragraph 8 (1):

*"A Key decision means an executive decision which is likely:*

*a) to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or*

*b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council"*

Regarding part a) of the definition an extract was provided from the Council's website, explaining the decision not to reopen a number of playgrounds. The explanation referenced the potential cleaning cost of reopening the playgrounds of £220k per annum.

For 2020/21 there was a Cleansing Services budget of £5,502k gross expenditure. As a proportion of this budget the potential sum of £220k would represent 4%, which in our judgement is not significant. Alternately, the total 2020/21 budgeted gross expenditure for the Landscapes and Leisure Service area was £3,124k. The potential sum of £220k would represent 7% of the budgeted gross expenditure for the Landscapes and Leisure Service, which again in our judgement is not significant.

On the second aspect of part b) of the definition, in our view this does involve judgement for the Council whether or not it is significant. We reviewed the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 paragraph 8(2), and also s.9Q of the Local Government Act 2000 which has a much broader remit than regulation 8(2) quoted. It states *"A local authority must have regard to any guidance for the time being issued by the Secretary of State for the purposes of this Part"*. Therefore, in accordance with that provision, it was relevant and indeed necessary for the Council to take into account coronavirus guidance when making its decision.

The Council have explained to us that they did not see this as a key decision because they were following Government guidance in relation to the pandemic, and that guidance was evolving over time. The explanation of the Council is consistent with the extract provided from their website, which stated that the Council would 'leave the remaining playgrounds closed until Government guidance is relaxed' indicating an ongoing review of guidance, and the same extract contains reference and links to coronavirus guidance, and therefore, demonstrates regard to such guidance. The extract from their website sets out that playgrounds, including the most popular, were re-opened across the district.

We also undertook a comparison of a sample of other councils around the same period, and we have not identified decisions for reopening playgrounds on their forward plans or the agendas of their executive or equivalent. Therefore, by comparison, Mid Sussex District Council does not appear to be a clear outlier in making their judgement that this was not a key decision

Decision taken to transfer land taken by the wrong committee. The Council's view was that the potential receipt was so significant it was outside the Budget Framework and therefore needed to be considered by Council. We have reviewed the Constitution, and do not consider this judgement to be unreasonable.

# Other reporting issues

### Objection to the accounts (continued)

Objection 2: Lack of transparency, and openness with the public which has enabled the Council to prevent any potential judicial review of their decision to sell all of the land at Hurst Farm to Homes England and avoid public scrutiny

The Council's response to the objection set out their view there was no lack of transparency. The Council stated that there were numerous public reports prior to the transaction, and it was frequently on the Forward Plan as per their timeline provided within their response.

As part of our work we have verified the Council's response that there were reports in public prior to the transaction and that the item was frequently on the Forward Plan, and that the sale was advertised in accordance with the received advice. Therefore, we have not identified a lack of updating key decision information in this regard.

A number of reports were restricted. In our judgement the council's explanation for the exemptions, predominantly on commercial sensitivity, are reasonable. There is no evidence before us that the Council was seeking to prevent scrutiny. Finally, we noted it is possible to bring judicial reviews out of time with the courts' permission, where there is a good reason for a decision not coming to the attention of a claimant, as may be the case here given the basis for exemption from public reporting.

During our work we did comment on the brevity of the Council's minutes regarding exempt items. Recording only the item heading, and the timing of the movement between exempt and non-exempt session does not provide transparency regarding the agenda items discussed for the wider stakeholders of the Council, and therefore, in our view the Council's practice in this area could be improved.

#### **Recommendation:**

Within its public minutes, the Council should review its recording of minutes of exempt items. Subject to maintaining the appropriate confidentiality with respect to the reason for the exemption, we recommend more detail should be included of the nature of the item and the decisions made, sufficient that wider stakeholders of the Council can as a minimum see the nature of the item and agreed decision.

A full record would remain within the confidential minutes.

Objection 3: I issue a public interest report in relation to: the timing of the sale of Hurst Farm

The objection set out the view that the Council did not receive best consideration for the sale of land at Hurst Farm as this was during the pandemic, a period of economic uncertainty.

## Other reporting issues

### Objection to the accounts (continued)

The objection did not identify any guidance that restricts the Council from continuing to sell the land through the pandemic. We are not aware of any such guidance or restrictions. Therefore, our assessment concentrated on whether the Council has followed an appropriate process.

Mid Sussex District Council (MSDC) have a legal responsibility to consider whether they have achieved best consideration (“best that can reasonably be obtained”) under Section 123 of Local Government Act 1972. The act states that a Council needs Secretary of State approval where Councils dispose of land for less than best consideration. In 2003, the Secretary of State provided general consent to dispose of land which was no more than £2m less than best consideration where it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area. Legal precedent shows that the Council is not bound to accept the highest offer.

We were satisfied as to the process the Council followed with the Homes England offer for Hurst Farm, and how this met its s123 responsibilities. The Full Council received a report on 9 December 2020 setting out the information considered. The report considered the Homes England offer, and made a comparison to the Redrow offer. The comparison made between Homes England and Redrow represented the Council deciding on the best consideration that the Council could obtain.

Within the report we identified that the council had used standard Treasury discount rate which was inconsistent to the CIPFA Financial Management Code that sets out it should use its own opportunity cost of capital. As such we make a recommendation under Section 27(6) of the Local Audit and Accountability Act 2014.

#### **Recommendation:**

In undertaking financial appraisals relating to where expected benefits and costs and related cash inflows and outflows arise over time from proposed asset sales and acquisitions, the Council should use the opportunity cost of capital specific to its current returns. It should not use a generic Treasury standard discount rate.

Despite our observation on the financial comparison included within the report to Full Council in December 2020, in our judgement Mid Sussex District Council have followed an appropriate process, taking extensive advice which has been reflected in the decision-making paper to Full Council in December 2020, and notwithstanding our observations, in our judgement the decision reached by the Council was not unreasonable.

Objection 3: I issue a public interest report in relation to: the Council may not have received a fair share of the sales proceeds in its agreement with other landowners at the Hurst Farm site resulting in a loss of public funds

The Council received a proportion of the receipt of the sale of Hurst Farm, in accordance with its share of the land owned to the west of Hurstwood Lane. The concerns raised were that this did not take into account the Council's land ownership to the east of Hurstwood Lane, or its valuation.

In summary, the Council responded that the value of the land to the east of Hurstwood lane was effectively £nil, as it could only be valued for community use and due to the requirements to provide infrastructure for the site greater than the land value. Therefore, the value and sale was conducted on the basis of the site to the west, using the agreed proportion of that area, with the Council's share being 81.98%.

# Other reporting issues

### Objection to the accounts (continued)

We reviewed the Council's explanations, the sale receipt and any deductions. We are satisfied with the Council's explanations and concluded that we have obtained sufficient appropriate evidence that the Council has received appropriate shares of the sale value#.

Objection 3: I issue a public interest report in relation to: There are risks to value for money from the Council's management of its commercial property investment in the Orchards shopping centre.

It is a matter of fact that the financial statements of the Council record impairments in the last two financial years 2019/20 and 2020/21. From our financial statements audit, the impairment does reflect the general status of the market, and from our wider experience this is not unusual for investment properties in the retail sector over the period impacted by the Covid-19 pandemic.

We have enquired regarding the Council's current plans for The Orchards, obtaining and reviewing plans and appraisals for the site including risk assessments. We are satisfied that there is no evidence of risk of significant deficiency in the council's arrangements, taking account of our value for money responsibilities under the Local Audit and Accountability Act 2014 and the NAO's Code of Audit Practice 2020.

Objection 3: I issue a public interest report in relation to: The land at Hurst Farm, which was within the Mid Sussex District boundary, was designated open space for residents, which was not considered by the Cabinet

The Council's response to the objection asserts that this was incorrect, and the land in the Council's ownership has not been designated as public open space. The Council set out that this has been confirmed consistently over time, and that the land has been licensed for the keeping of sheep. We verified this to grazing licences.

The Council took advice from various sources during the process of the sale of the land, including whether the land should be treated as de facto open space and advertised as such. De facto open space is land not designated as open space but that has been used for public recreation.

The Council included consideration of de facto open space in their report to the Full Council of 9 December 2020. Following the approval of the report, the proposed transaction was advertised in the Mid Sussex Times on the 17 and 24 December 2020. The Council stated that no objections were received to the proposed sale from the advertisement.

Therefore, in our judgement the Council took advice relevant to the issue of open space, and followed that advice





07

## Assessment of Control Environment





# Assessment of Control Environment

## Financial controls

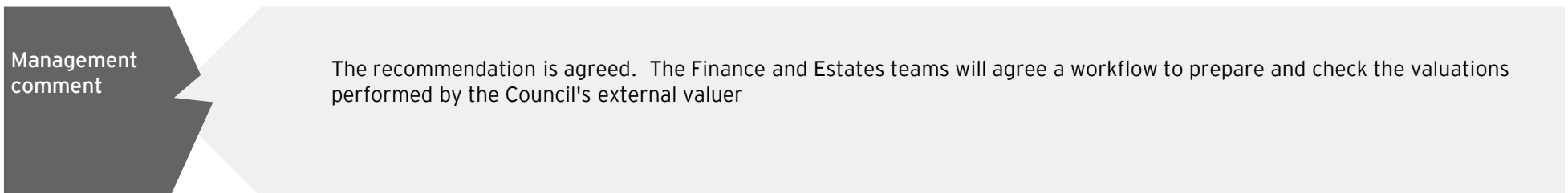
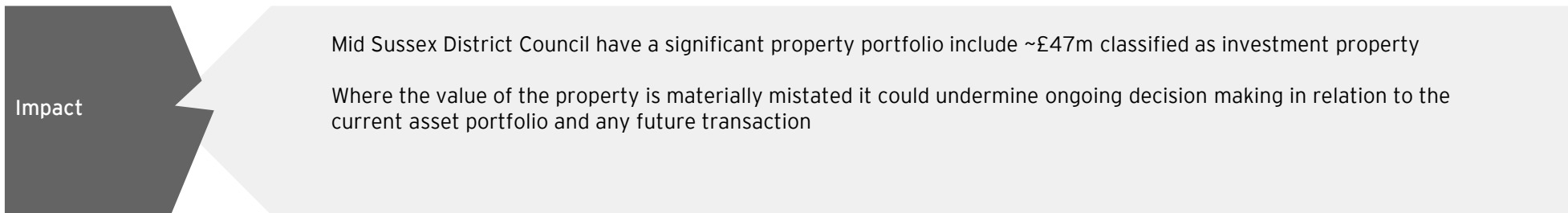
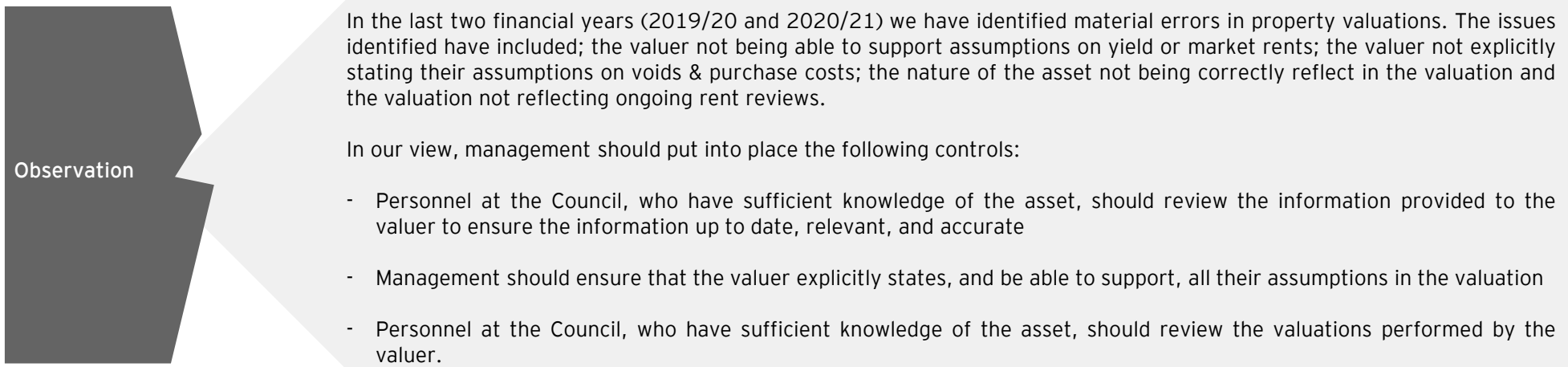
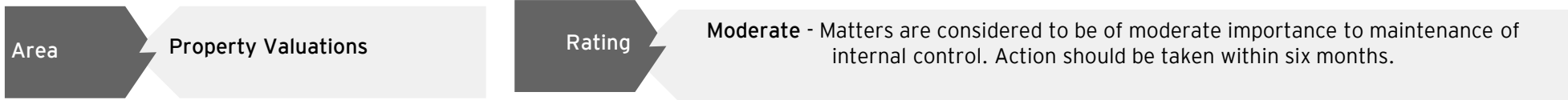
It is the responsibility of the Council to develop and implement systems of internal financial control and to put in place proper arrangements to monitor their adequacy and effectiveness in practice. Our responsibility as your auditor is to consider whether the Council has put adequate arrangements in place to satisfy itself that the systems of internal financial control are both adequate and effective in practice.

As part of our audit of the financial statements, we obtained an understanding of internal control sufficient to plan our audit and determine the nature, timing and extent of testing performed. As we have adopted a fully substantive approach, we have therefore not tested the operation of controls.

Although our audit was not designed to express an opinion on the effectiveness of internal control we are required to communicate to you significant deficiencies in internal control.

The matters reported on the next slide are limited to those that we identified during the audit and that we concluded are of sufficient importance to merit being reported to you.

# Assessment of Control Environment





08

Independence

# Independence

## Confirmation and analysis of Audit fees

The FRC Ethical Standard requires that we provide details of all relationships between Ernst & Young (EY) and the Council, and its members and senior management and its affiliates, including all services provided by us and our network to the Council, its members and senior management and its affiliates, and other services provided to other known connected parties that we consider may reasonably be thought to bear on the our integrity or objectivity, including those that could compromise independence and the related safeguards that are in place and why they address the threats.

There are no relationships from 01 April 2020 to the date of this report, which we consider may reasonably be thought to bear on our independence and objectivity.

As at the date of this report, the only non-audit service is the review of the Council's Housing Benefit Subsidy claim. This is a permitted service under the NAO's auditor guidance.

As part of our reporting on our independence, we set out below a summary of the fees for the year ended 31 March 2021.

	Planned fee 2020/21	Scale fee 2020/21	Final Fee 2019/20 (1)
	£	£	£
Total Fee - Code work	38,917	38,917	38,917
Scale fee Rebasing: changes in the work required to address professional and regulatory standards (2)	31,643	31,643	26,360
Revised proposed scale fee	70,560	70,560	
Objection (3)	30,471	-	
Change in audit requirements (4)	8,678	-	
Change in risks, errors and other additional time incurred. (5)	3,821		
<b>Total audit fee</b>	<b>113,530</b>	<b>70,560</b>	<b>65,277</b>
Non-audit services (Housing Benefit subsidy certification) (4)	51,922	N/A	47,672
<b>Total fees</b>	<b>165,452</b>	<b>70,560</b>	<b>112,949</b>

All fees exclude VAT

Notes: see overleaf

## Audit Fees (cont)

### Audit Fees

- 1) PSAA determined the final fee as shown in the 'Final Fee 2019/20' column.
- 2) As detailed in our 2019/20 annual audit letter we submitted a proposed rebasing of the scale fee during 2019/20 of £25,314. We have rolled this forward as in our view the issues are recurrent, uplifted by 25% due to the increase in the PSAA scale fee variation rates from 2020/21.
- 3) The objection to the accounts has been completed. The charge includes time incurred, and fees for legal advice.
- 4) Change in audit requirements: During the 2020/21 audit there were two new audit requirements. These were:
  - (a) the introduction of the 2020 Code of Audit Practice and its updated requirements for our Value for Money assessment.
  - (b) ISA540 (revised) audit of accounting estimates - introducing updated requirements.PSAA communicated an expected range of fees for these new areas, and our work at Mid Sussex DC is at the bottom of that range.
- 5) As noted in the main section of this report we have identified new risks for 20/21, identified errors in the accounts, and incurred additional time through internal specialists in areas of property and pension valuations. These include:
  - £2,163 use of internal experts to verify property valuations, identifying errors as reported
  - £584 use of internal experts to review the IAS19 pension liability
  - £1,074 review of Covid-19 grant accounting
- (6) The work to certify the 2020/21 Housing Benefit claim is complete and has been agreed.

## Other communications

### EY Transparency Report 2020

Ernst & Young (EY) has policies and procedures that instil professional values as part of firm culture and ensure that the highest standards of objectivity, independence and integrity are maintained.

Details of the key policies and processes in place within EY for maintaining objectivity and independence can be found in our annual Transparency Report which the firm is required to publish by law. The most recent version of this Report is for the year end 30 June 2021:

[EY UK Transparency Report 2021 | EY UK](#)









09

## Appendices




## Appendix A

# Required communications with the Audit Committee




There are certain communications that we must provide to the Audit Committees of UK clients. We have detailed these here together with a reference of when and where they were covered:

 Our Reporting to you		
Required communications	 What is reported?	  When and where
Terms of engagement	Confirmation by the Audit Committee of acceptance of terms of engagement as written in the engagement letter signed by both parties.	The statement of responsibilities serves as the formal terms of engagement between the PSAA's appointed auditors and audited bodies.
Our responsibilities	Reminder of our responsibilities as set out in the engagement letter.	Audit planning report - July 2021
Planning and audit approach	Communication of the planned scope and timing of the audit, any limitations and the significant risks identified.	Audit planning report - July 2021
Significant findings from the audit	<ul style="list-style-type: none"> <li>▶ Our view about the significant qualitative aspects of accounting practices including accounting policies, accounting estimates and financial statement disclosures</li> <li>▶ Significant difficulties, if any, encountered during the audit</li> <li>▶ Significant matters, if any, arising from the audit that were discussed with management</li> <li>▶ Written representations that we are seeking</li> <li>▶ Expected modifications to the audit report</li> <li>▶ Other matters if any, significant to the oversight of the financial reporting process</li> </ul>	Audit planning report - July 2021





# Appendix A

		 Our Reporting to you
<b>Required communications</b>	 <b>What is reported?</b>	 <b>When and where</b>
Going concern	<p>Events or conditions identified that may cast significant doubt on the entity's ability to continue as a going concern, including:</p> <ul style="list-style-type: none"> <li>▶ Whether the events or conditions constitute a material uncertainty</li> <li>▶ Whether the use of the going concern assumption is appropriate in the preparation and presentation of the financial statements</li> <li>▶ The adequacy of related disclosures in the financial statements</li> </ul>	No conditions or events were identified, either individually or together to raise any doubt about Mid Sussex District Council's ability to continue for the 12 months from the date of our report
Misstatements	<ul style="list-style-type: none"> <li>▶ Uncorrected misstatements and their effect on our audit opinion</li> <li>▶ The effect of uncorrected misstatements related to prior periods</li> <li>▶ A request that any uncorrected misstatement be corrected</li> <li>▶ Material misstatements corrected by management</li> </ul>	Audit results report
Subsequent events	<ul style="list-style-type: none"> <li>▶ Enquiry of the audit committee where appropriate regarding whether any subsequent events have occurred that might affect the financial statements.</li> </ul>	Audit results report
Fraud	<ul style="list-style-type: none"> <li>▶ Enquiries of the Audit Committee to determine whether they have knowledge of any actual, suspected or alleged fraud affecting the Council</li> <li>▶ Any fraud that we have identified or information we have obtained that indicates that a fraud may exist</li> <li>▶ Unless all of those charged with governance are involved in managing the Council, any identified or suspected fraud involving:               <ul style="list-style-type: none"> <li>▶ Management;</li> <li>▶ Employees who have significant roles in internal control; or</li> <li>▶ Others where the fraud results in a material misstatement in the financial statements.</li> </ul> </li> <li>▶ The nature, timing and extent of audit procedures necessary to complete the audit when fraud involving management is suspected</li> <li>▶ Any other matters related to fraud, relevant to Audit Committee responsibility.</li> </ul>	Audit results report




# Appendix A

		 Our Reporting to you
Required communications	 What is reported?	 When and where
Related parties	<p>Significant matters arising during the audit in connection with the Council's related parties including, when applicable:</p> <ul style="list-style-type: none"> <li>▶ Non-disclosure by management</li> <li>▶ Inappropriate authorisation and approval of transactions</li> <li>▶ Disagreement over disclosures</li> <li>▶ Non-compliance with laws and regulations</li> <li>▶ Difficulty in identifying the party that ultimately controls the Council</li> </ul>	Audit results report
Independence	<p>Communication of all significant facts and matters that bear on EY's, and all individuals involved in the audit, objectivity and independence.</p> <p>Communication of key elements of the audit engagement partner's consideration of independence and objectivity such as:</p> <ul style="list-style-type: none"> <li>▶ The principal threats</li> <li>▶ Safeguards adopted and their effectiveness</li> <li>▶ An overall assessment of threats and safeguards</li> <li>▶ Information about the general policies and process within the firm to maintain objectivity and independence</li> </ul> <p>Communications whenever significant judgments are made about threats to objectivity and independence and the appropriateness of safeguards put in place.</p>	Audit planning report - April 2021 and Audit results report
External confirmations	<ul style="list-style-type: none"> <li>▶ Management's refusal for us to request confirmations</li> <li>▶ Inability to obtain relevant and reliable audit evidence from other procedures.</li> </ul>	We have received all requested confirmations
Consideration of laws and regulations	<ul style="list-style-type: none"> <li>▶ Subject to compliance with applicable regulations, matters involving identified or suspected non-compliance with laws and regulations, other than those which are clearly inconsequential and the implications thereof. Instances of suspected non-compliance may also include those that are brought to our attention that are expected to occur imminently or for which there is reason to believe that they may occur</li> <li>▶ Enquiry of the audit committee into possible instances of non-compliance with laws and regulations that may have a material effect on the financial statements and that the audit committee may be aware of</li> </ul>	We have asked management and those charged with governance. We have not identified any material instances or non-compliance with laws and regulations

# Appendix A

		 Our Reporting to you
Required communications	 What is reported?	  When and where
Significant deficiencies in internal controls identified during the audit	<ul style="list-style-type: none"> <li>▶ Significant deficiencies in internal controls identified during the audit.</li> </ul>	Audit results report
Consideration of laws and regulations	<ul style="list-style-type: none"> <li>▶ Subject to compliance with applicable regulations, matters involving identified or suspected non-compliance with laws and regulations, other than those which are clearly inconsequential and the implications thereof. Instances of suspected non-compliance may also include those that are brought to our attention that are expected to occur imminently or for which there is reason to believe that they may occur</li> <li>▶ Enquiry of the audit committee into possible instances of non-compliance with laws and regulations that may have a material effect on the financial statements and that the audit committee may be aware of</li> </ul>	We have asked management and those charged with governance. We have not identified any material instances or non-compliance with laws and regulations
Significant deficiencies in internal controls identified during the audit	<ul style="list-style-type: none"> <li>▶ Significant deficiencies in internal controls identified during the audit.</li> </ul>	Audit results report
Written representations we are requesting from management and/or those charged with governance	<ul style="list-style-type: none"> <li>▶ Written representations we are requesting from management and/or those charged with governance</li> </ul>	Audit results report
Material inconsistencies or misstatements of fact identified in other information which management has refused to revise	<ul style="list-style-type: none"> <li>▶ Material inconsistencies or misstatements of fact identified in other information which management has refused to revise</li> </ul>	Audit results report

# Appendix A

		 Our Reporting to you
<b>Required communications</b>	 <b>What is reported?</b>	 <b>When and where</b>
Auditors report	<ul style="list-style-type: none"> <li>▶ Any circumstances identified that affect the form and content of our auditor’s report</li> </ul>	Audit results report
Fee Reporting	<ul style="list-style-type: none"> <li>▶ Breakdown of fee information when the audit planning report is agreed</li> <li>▶ Breakdown of fee information at the completion of the audit</li> <li>▶ Any non-audit work</li> </ul>	Audit planning report and Audit results report



# Management representation letter

## Management Rep Letter

Ernst & Young LLP  
Grosvenor House,  
Grosvenor Square,  
Southampton SO15 2BE,  
United Kingdom

This letter of representations is provided in connection with your audit of the financial statements of Mid Sussex District Council (“the Council”) for the year ended 31 March 2021. We recognise that obtaining representations from us concerning the information contained in this letter is a significant procedure in enabling you to form an opinion as to whether the financial statements give a true and fair view of the Council financial position of Mid Sussex District Council as of 31 March 2021 and of its income and expenditure for the year then ended in accordance with CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21

We understand that the purpose of your audit of our financial statements is to express an opinion thereon and that your audit was conducted in accordance with International Standards on Auditing (UK), which involves an examination of the accounting system, internal control and related data to the extent you considered necessary in the circumstances, and is not designed to identify - nor necessarily be expected to disclose - all fraud, shortages, errors and other irregularities, should any exist.

Accordingly, we make the following representations, which are true to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

### A. Financial Statements and Financial Records

1. We have fulfilled our responsibilities, under the relevant statutory authorities, for the preparation of the financial statements in accordance with the Accounts and Audit Regulations 2015 and CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.
2. We acknowledge, as members of management of the Council, our responsibility for the fair presentation of the financial statements.

We believe the financial statements referred to above give a true and fair view of the financial position, financial performance (or results of operations) and cash flows of the Council in accordance with the CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21, and are free of material misstatements, including omissions. We have approved the financial statements.

2. The significant accounting policies adopted in the preparation of the financial statements are appropriately described in the financial statements.
3. As members of management of the Council, we believe that the Council has a system of internal controls adequate to enable the preparation of accurate financial statements in accordance with the CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21, that are free from material misstatement, whether due to fraud or error. We have disclosed to you any significant changes in our processes, controls, policies and procedures that we have made to address the effects of the COVID-19 pandemic on our system of internal controls.
4. We believe that the effects of any unadjusted audit differences, summarised in the accompanying schedule, accumulated by you during the current audit and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

### B. Non-compliance with law and regulations, including fraud

1. We acknowledge that we are responsible to determine that the Council's activities are conducted in accordance with laws and regulations and that we are responsible to identify and address any non-compliance with applicable laws and regulations, including fraud.
2. We acknowledge that we are responsible for the design, implementation and maintenance of internal controls to prevent and detect fraud.
3. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

## Appendix B

# Management representation letter

### Management Rep Letter

4. We have no knowledge of any identified or suspected non-compliance with laws or regulations, including fraud that may have affected the Council (regardless of the source or form and including without limitation, any allegations by “whistleblowers”), including non-compliance matters:

#### **C. Information Provided and Completeness of Information and Transactions**

1. We have provided you with:
  - Access to all information of which we are aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
  - Additional information that you have requested from us for the purpose of the audit; and
  - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
2. All material transactions have been recorded in the accounting records and all material transactions, events and conditions are reflected in the financial statements, including those related to the COVID-19 pandemic.
3. We have made available to you all minutes of the meetings of the Council, Cabinet and Audit Committee held through the year to the most recent meeting on the following date: xx xxx xxx.
4. We confirm the completeness of information provided regarding the identification of related parties. We have disclosed to you the identity of the Council’s related parties and all related party relationships and transactions of which we are aware, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements, guarantees, non-monetary transactions and transactions for no consideration for the period ended, as well as related balances due to or

from such parties at the period end. These transactions have been appropriately accounted for and disclosed in the financial statements.

5. We believe that the methods, significant assumptions and the data we used in making accounting estimates and related disclosures are appropriate and consistently applied to achieve recognition, measurement and disclosure that is in accordance with CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.
6. We have disclosed to you, and the Council has complied with, all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
7. From the date of our last management representation letter through the date of this letter we have disclosed to you any unauthorized access to our information technology systems that either occurred or to the best of our knowledge is reasonably likely to have occurred based on our investigation, including of reports submitted to us by third parties (including regulatory agencies, law enforcement agencies and security consultants) , to the extent that such unauthorized access to our information technology systems is reasonably likely to have a material impact to the financial statements, in each case or in the aggregate.

#### **D. Liabilities and Contingencies**

1. All liabilities and contingencies, including those associated with guarantees, whether written or oral, have been disclosed to you and are appropriately reflected in the financial statements.
2. We have informed you of all outstanding and possible litigation and claims, whether or not they have been discussed with legal counsel.
3. We have recorded and/or disclosed, as appropriate, all liabilities related litigation and claims, both actual and contingent, and have disclosed in Note 31 to the financial statements all guarantees that we have given to third parties

# Management representation letter

## Management Rep Letter

### E. Going Concern

1. Note 1 to the financial statements discloses all the matters of which we are aware that are relevant to the Council's ability to continue as a going concern, including significant conditions and events, our plans for future action, and the feasibility of those plans

### F. Subsequent Events

1. There have been no events, including events related to the COVID-19 pandemic, subsequent to period end which require adjustment of or disclosure in the financial statements or notes thereto.

### G. Other information

1. We acknowledge our responsibility for the preparation of the other information. The other information comprises the Narrative Report.
2. We confirm that the content contained within the other information is consistent with the financial statements.

### H. other information

1. We acknowledge our responsibility for the preparation of the other information. The other information comprises of the Narrative Statement
2. We confirm that the content contained within the other information is consistent with the financial statements.

### I. Use of the Work of a Specialist

1. We agree with the findings of the specialists that we engaged to evaluate the valuation of land and buildings and investment property, in the calculation of the NDR appeals provision, in generating the IAS19 pension and have adequately considered the qualifications of the specialists in determining the amounts and disclosures included in the financial statements and the underlying accounting records. We did not give or cause any instructions to be given to the specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an effect on the independence or objectivity of the specialists.

### J. Estimates

1. We confirm that the significant judgments made in making the valuation of land and buildings and investment property, in the calculation of the NDR appeals provision, and in generating the IAS19 pension ("the accounting estimates") have taken into account all relevant information and the effects of the COVID-19 pandemic of which we are aware.
2. We believe that the selection or application of the methods, assumptions and data used by us have been consistently and appropriately applied or used in making the accounting estimates.
3. We confirm that the significant assumptions used in making the accounting estimate appropriately reflect our intent and ability to carry out the specific courses of action on behalf of the entity.
4. We confirm that the disclosures made in the financial statements with respect to the accounting estimate(s), including those describing estimation uncertainty and the effects of the COVID-19 pandemic, are complete and are reasonable in the context of CIPFA LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2020/21
5. We confirm that appropriate specialized skills or expertise has been applied in making the accounting estimates.
6. We confirm that no adjustments are required to the accounting estimates and disclosures in the financial statements, including due to the COVID-19 pandemic.

### K. Retirement benefits

1. On the basis of the process established by us and having made appropriate enquiries, we are satisfied that the actuarial assumptions underlying the scheme liabilities are consistent with our knowledge of the business. All significant retirement benefits and all settlements and curtailments have been identified and properly accounted for.

## EY | Assurance | Tax | Transactions | Advisory

### About EY

EY is a global leader in assurance, tax, transaction and advisory services. The insights and quality services we deliver help build trust and confidence in the capital markets and in economies the world over. We develop outstanding leaders who team to deliver on our promises to all of our stakeholders. In so doing, we play a critical role in building a better working world for our people, for our clients and for our communities.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. For more information about our organization, please visit [ey.com](http://ey.com).

© 2017 EYGM Limited.  
All Rights Reserved.

ED None

This material has been prepared for general informational purposes only and is not intended to be relied upon as accounting, tax, or other professional advice. Please refer to your advisors for specific advice.

**[ey.com](http://ey.com)**