

**Meeting:** Audit Committee

**Date:** 26<sup>th</sup> March 2025

**Wards affected:** All Wards in Torbay

**Report Title:** Local audit reform - a strategy for overhauling the local audit system in England

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## 1. Purpose of Report

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- 1.1 To provide an update on the recent Ministry of Housing, Communities and Local Government (MHCLG) consultation which closed at the end of January 2025. The consultation sought views on the six key areas of reform as included in the strategy for overhauling the local audit system in England.
- 1.2 The council responded to the consultation (appendix 2) and the consultation document published by MHCLG is included in appendix 1 for information.

## 2. Reason for Proposal and its benefits

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- 2.1 This an update report which informs the committee of the proposals in respect of local audit reform and the strategy for overhauling the local audit system in England.
- 2.2 The Grant Thornton Audit progress report and sector update agenda item also provides an update and further information.
- 2.2 A further update to the committee will be provided as the implementation of the strategy progresses.

## 3. Recommendation(s) / Proposed Decision

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- 3.1 That Audit Committee note the consultation response as set out at Appendix 2 to the submitted report.

### Appendices

Appendix 1: Local audit reform - a strategy for overhauling the local audit system in England

Appendix 2: Torbay Council response to consultation

# Supporting Information

## 1. Introduction

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- 1.1 On 18 December 2024, the Government opened a wide ranging consultation on Local Authority Accounts and Local Audit Reform.
- 1.2 The Local Audit Reform – A strategy for overhauling the Local Audit system in England, commits to a series of measures to fix the broken local audit system, including:
  - A local audit vision with 8 core principles;
  - The establishment of a statutory and independent Local Audit Office (LAO) with 5 strategic responsibilities;
- 1.3 The Government consulted on a number of specific proposals as part of the strategy, including:
  - Potential additional functions of the new LAO;
  - Simplifying financial reporting requirements to ensure that they are proportionate;
  - Improvements to enhance capacity and capability in the local audit sector, such as the introduction of public provision;
  - Strengthening the relationship between local bodies and their auditor;
  - Reforming the audit regime.
- 1.4 The Minister of State for Housing, Communities and Local Government published a written ministerial statement on 30 July 2024 regarding the backlog in the publication of audited accounts of local bodies in England.
- 1.5 In the statement, it was acknowledged the Local Audit system in England as broken and it advised on the intention to update on the Government's longer term plan to fix local audit.
- 1.6 The current system highlights three systemic challenges:
  - **Capacity** - There is a severe lack of external auditors, with a limited number of firms operating in the sector
  - **Co-ordination** - Multiple organisations have a statutory role to oversee and regulate audit, across various sectors, countries (within the UK) and with responsibilities for different frameworks. There is no clear ownership of the system. This limits the ability to align incentives and establish a single vision;
  - **Complexity** - Financial reporting and audit requirements are disproportionately complex, beyond the system's capacity and inadvertently incentivises risk aversion. Standards are largely modelled on corporate audit rather than the needs of local bodies.

- 1.7 The Local Audit Reform – A strategy for overhauling the Local Audit system in England, commits to a series of measures to fix the broken Local Audit system, including a local audit vision with 8 core principles;
- Value for Money
  - Transparency
  - Capacity and capability
  - External Scrutiny
  - Professionalism
  - Proportionality
  - Stronger Accountability
  - Timely
- 1.8 The establishment of a statutory and independent Local Audit Office (LAO) with 5 strategic responsibilities;
- Co-ordinating the system
  - Contract management
  - Code of practice
  - Oversight
  - Reporting, insights and guidance
- 1.9 In the ministerial foreword to the consultation, the Minister of State for Housing, Communities and Local Government stated that Local Audit should be the bedrock of local accountability and transparency, of trust and confidence in councils to spend taxpayers money wisely but a key part of our early warning system over local government finances has been lost at the time when we need it most.
- 1.10 It adds that the challenges faced are insurmountable without fundamental reform to drive transparency and open the books and that the fragmented system will be streamlined into one body, The Local Audit Office, which will have a focused and clear remit to lead the reform and ensure that local audit provides value for money for the taxpayers now and in the future.

## 2. Local Audit Reform Consultation

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- 2.1 The real-world consequences of the system failure – of not having an audit, or not having a timely audit, or the delivery of accounts which are disproportionately complex - cannot be underestimated. There is a broad consensus over recent years that a new local audit body would be integral to system reform.

- 2.2 The proposed strategy for overhauling the Local Audit systems in England commits to establishing the Local Audit Office (LAO), to radically simplify the system, and bring as many audit functions as possible under a single organisation with a focus and expertise in local audit, as the Kingman and Redmond Reviews recommended. The proposed strategy also consulted on potential additional functions for the LAO to further unify the system.
- 2.3 A LAO will form one of several steps towards resolving the sector's most pressing challenges. Alongside the Government's programme to clear the backlog and return to timely audit, relationships must be strengthened and capacity and capability enhanced. The proposed strategy also responds to Redmond's recommendations and provides direction in both regards.
- 2.4 The 6 key areas of required reform included in the consultation are summarised below:

**The purpose of local audit** - Reforms must be guided by a vision statement with 8 core principles and be driven by user needs. The proposal includes an emphasis on the examination of an authority's financial resilience and the provision of early warnings of major governance and financial risks (including material fraud). The most radical proposal requires auditors to give an opinion on whether an authority has actually achieved value for money (VFM), rather than purely assessing whether adequate arrangements to secure VFM are in place.

Any implementation of this proposal needs to consider that responsibility for VFM in local authorities sits with elected members. The need to maintain auditors' independence and whether there is a risk of being drawn into challenging political decisions also need to be taken into consideration. The capacity and capability of the system to respond to an extension of auditors' responsibilities is a further consideration requirement in this proposal.

**Local Audit Office remit** - The Government accepts the Redmond Review recommendation for a statutory and independent oversight body (the LAO), which would largely take on the roles currently performed by the FRC, PSAA and the NAO, simplifying the system and driving change.

The LAO will have 5 strategic responsibilities. A point of focus within the proposal is to improve the consistency and effectiveness of the auditors' use of special powers e.g., highlighting issues of concerns where remedial action cannot wait for the publication of the Accounts, or the concerns exceeds the scope of the audit via Advisory Notices or Public Interest Reports.

The LAO would have overall responsibility for audit inspection (although it may delegate the work to others), and consideration is being given to whether there should be a scheme for enforcement related to the financial statements that would require authorities to make changes to the accounts.

**Financial reporting and accounts** - Reforms should consider the needs of the user and the impact of accounting requirements on the work of the account preparers, auditors and the wider audit system.

The Government acknowledges the range of views on the purposes and users of accounts. Local accounts must be fit for purpose, proportionate and relevant to account users. There is a clear need to ensure that accounts contain the correct level of information and disclosures to benefit the users and achieve the purpose of the accounts.

The Government is committed to working with sector partners to review the content and format of local authority accounts to ensure that the requirements of the Accounting Code and those practices set out in legislation are appropriate and do not create any excessive or unnecessary burden. The review will consider the definition of the purpose and user of local accounts, any impact definitions may have on accounts and audit, as well as any unintended consequences.

The consultation also highlights the Government's consideration of the now MHCLG Committee's November 2023 recommendation that decoupling the Pension Fund Accounts from the main accounts, publishing them separately and subjecting them to a separate audit certificate would have numerous benefits to local government, however there is no dedicated/ specific question around this topic for response within the consultation.

The consultation document states that infrastructure asset accounting will remain unchanged in the medium term via secondary legislation to extend the current exemption.

Views are also requested for how the reform of the Code of Practice on Local Authority Accounting in the UK (the Code) could be facilitated (e.g., by making the Code an LAO responsibility). It is also proposed that the Code should be freely available.

**Capacity and capability** – Delays and complexity disincentivise the right skills from entering the market, leading to less timely, less effective audit. The Government will work to ensure that bodies have skilled and resourced account preparers. In order to strengthen the capacity of the sector, consideration will also be given to supplementing private sector audit with public provision.

The Government is committed to ensuring that authorities have skilled and resourced account preparers and will work with the LGA and CIPFA on a programme of improvement support. The FRC's Local Audit Workforce Strategy (yet to be published) will be built upon to enable greater alignment between corporate and local audit and provide a more flexible career progression for individuals.

The eligibility criteria for Key Audit Partners will be reviewed as part of the proposal to ensure that there are no unintended barriers for partners wanting to join the profession and that the sector has the widest possible pool of qualified auditors.

**Underpinning the system: relationships and audit regimes** – Existing relationships between local bodies and their auditor need to be strengthened and their respective relationship with the LAO must be clear. The collective scrutiny of audits as part of the democratic process, such as Audit Committees will be strengthened and the potential for local accounts committees for strategic authority areas in England will be considered. Audit regimes will be reviewed to ensure they are fit for purpose in the short and long term.

A key role of the LAO will be to maintain strong links between central government (in its stewardship capacity), the NAO, inspectorates of relevant bodies, and local auditors, allowing a transparent and supportive government approach when concerns are raised about particular bodies.

The strategy proposes that Audit Committees will be mandated for local authorities, with at least one independent member, and audit reports require consideration by full council. Views are also sought on whether the committee chair should be an independent member.

**Local audit backlog** - Significant and difficult work undertaken by finance teams and auditors to clear the backlog to date is a necessary step to reform. The Government recognises that there is further work required to support the recovery process including guidance, advice and support.

The Government aspiration is that disclaimed audit opinions driven by backstop dates should be limited in unexceptional cases to the next two years (i.e., up to and including 2024/25 – backstop date of 27 February 2026).

The Government recognises that further cross system work is required to support the recovery process, and the consultation informs that the Government will work with system partners to ensure that additional guidance, advice and practical support is available.

### 3. Timeline for implementation of the strategy reforms

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- 3.1 The table below sets out a provisional timeline for the transition to the new local audit system which is included in the Local Audit Reform Strategy.

| <b>Milestone</b>  | <b>Indicative timeframe</b> |
|---|-----------------------------|
| Engagement, technical workshops and consultation  | January – February 2025     |
| Engagement continuing on elements of secondary legislation  | Spring 2025                 |
| Introduction of primary legislation, subject to Parliamentary timetable   | Mid-2025                    |
| Laying of relevant secondary legislation, subject to Parliamentary timetable  | Mid-2026                    |
| LAO legally established, public delivery built up (either within LAO or separately as consulted upon) with the ability to take on vacant contracts where appropriate      | Autumn 2026                 |
| Procurement exercise for next appointing period (further clarity on the quality oversight framework, including enforcement, would be provided by this point)              | From early 2027             |
| LAO fully resourced and begins contract management with other elements of its oversight, as set out in the transition plan to give the market clarity and time to adjust. | By 2028                     |

### 4. Options under consideration

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- 4.1 Not applicable

### 5. Financial Opportunities and Implications

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- 5.1 There are no direct financial implications arising for the council as a result of this report.

## 6. Legal Implications

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6.1 The addressing the local audit backlog in England: consultation proposals seek to amend the Accounts and Audit (England) Regulations 2015, via a series of dates (the “backstop date”) by which point local bodies would publish audited accounts for all outstanding years

## 7. Engagement and Consultation

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7.1 Not applicable

## 8. Purchasing or Hiring of Goods and/or Services

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8.1 Not applicable

## 9. Tackling Climate Change

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9.1 Not applicable

## 10. Associated Risks

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10.1 Not applicable

## 11. Identify the potential positive and negative impacts on specific groups

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11.1

|  | Positive Impact | Negative Impact & Mitigating Actions | Neutral Impact |
|--|-----------------|--------------------------------------|----------------|
| Older or younger people  |                 |                                      | X              |
| People with caring Responsibilities  |                 |                                      | X              |
| People with a disability   |                 |                                      | X              |
| Women or men   |                 |                                      | X              |
| People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community) |                 |                                      | X              |
| Religion or belief (including lack of belief)  |                 |                                      | X              |



|   |  |  |   |
|---|--|--|---|
| People who are lesbian, gay or bisexual   |  |  | X |
| People who are transgendered  |  |  | X |
| People who are in a marriage or civil partnership   |  |  | X |
| Women who are pregnant / on maternity leave   |  |  | X |
| Socio-economic impacts (Including impact on child poverty issues and deprivation)                       |  |  | X |
| Public Health impacts (How will your proposal impact on the general health of the population of Torbay) |  |  | X |

## 11. Cumulative Council Impact

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11.1 Not applicable

## 12. Cumulative Community Impacts

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12.1 Not applicable