Annual Governance Report

London Borough of Tower Hamlets Audit 2008/09 September 2009



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Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
- any third party.

2008/09 Annual Governance Report

I am pleased to present the draft version of my report on the results of my audit work for 2008/09.

A draft of this report was discussed and agreed with the Corporate Director of Resources on 21 September 2009.

The report sets out the key issues that you should consider before I complete the audit.

It asks you to:

- consider the matters raised in the report before approving the financial statements (pages 7 to 11);
- take note of the adjustments to the financial statements which are set out in this report (Appendix 2);
- recommend approval of the letter of representation on behalf of the Council before I issue my opinion and conclusion (Appendix 3); and
- agree your response to the proposed action plan (Appendix 5).

Yours faithfully

Jon Hayes
District Auditor

22 September 2009

Key messages

This report summarises the findings from the 2008/09 audit which is substantially complete. It includes the messages arising from my audit of your financial statements and the results of the work I have undertaken to assess how well you use and mange your resources to deliver value for money and better and sustainable outcomes for local people.

Financial Statements	Results	Page
Unqualified audit opinion	Yes	6
Financial statements free from material error	No	6
Adequate internal control environment	Yes	8
Value for money		
Arrangements to secure value for money	Yes	10

Audit opinion

1 Subject to satisfactory completion of outstanding testing and the resolution of the remaining issues noted in paragraph 7, I expect to issue an unqualified opinion on the financial statements on 30 September 2009. I also plan to issue my certificate at the same time.

Financial statements

- 2 The draft financial statements were submitted for audit on 29 June 2009 in accordance with the agreed timetable. These financial statements were complete but contained two material errors which have been amended for in the final version.
- 3 My audit identified other non-trivial amendments which were adjusted by management. These are summarised in Appendix 2.

Value for money

4 I propose issuing a conclusion that the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources are adequate (see page 10).

Next steps

This report identifies the key messages that you should consider before I issue my financial statements opinion, value for money conclusion and audit closure certificate. It includes only matters of governance interest that have come to my attention in performing my audit. My audit is not designed to identify all matters that might be relevant to you.

5 I ask the Audit Committee to:

- consider the matters raised in the report before approving the financial statements (pages 6 to 8);
- take note of the adjustments to the financial statements which are set out in this report (Appendix 2);
- note the value for money conclusion (page 10);
- approve the letter of representation on behalf of the Council before I issue my opinion and conclusion (Appendix 3); and
- agree your response to the proposed action plan (Appendix 5).

Financial statements

The Council's financial statements and annual governance statement are important means by which the Council accounts for its stewardship of public funds. As Council members, you have final responsibility for these statements. It is important that you consider my findings before the financial statements and the annual governance statement are authorised for issue.

Opinion on the financial statements

- 6 Subject to satisfactory completion of my work and the clearance of the outstanding matters detailed below, I plan to issue an audit report including an unqualified opinion on the financial statements. Appendix 1 contains a copy of my draft audit report.
- 7 My work on the financial statements is substantially complete but not yet finalised. I expect to conclude my work in this area shortly. The key areas outstanding are:
 - consideration of whether leases for photocopiers are appropriately classified as operating leases; and
 - finalising our testing of the Group Accounts, the Collection Fund and related party transactions.

Errors in the financial statements

- 8 My audit identified two material changes to the draft financial statements, both of which have been amended by management:
 - following a verification exercise of its fixed asset database, the Council identified £120m of fixed assets that were incorrectly included in its balance sheet. The majority of this balance, £100m, related to voluntary aided schools. In the draft financial statements, these assets were removed in year via an entry for losses on disposal of fixed assets in the Income and Expenditure Account. Given that the value of the assets removed was fundamental to the value of the Council's opening balance sheet, this should have been disclosed as a prior period adjustment;
 - £24.4m of long term debt in relation to deferred consideration for PFI had been incorrectly classified as a short-term debtor.
- 9 A number of non-trivial adjustments were made to the draft financial statements and these are summarised in Appendix 2.

Recommendations

R1 Ensure that errors identified in previous year's financial statements are appropriately classified as prior period adjustments in line with Financial Reporting Standard 3.

R2 Correctly classify amounts falling due to the Council after a period of one year as long term debtors.

Letter of representation

10 Before I issue my opinion, auditing standards require me to obtain appropriate written representations from you and management about your financial statements and governance arrangements. Appendix 3 contains the draft letter of representation I seek to obtain from you. The draft letter includes a specific representation that is sought in respect of potential legal claims arising from the winding up of the Local Authority Mutual Limited (LAML) arrangement.

Key areas of judgement and audit risk

11 In planning my audit, I identified specific risks and areas of judgement that I have considered as part of my work. My findings are set out in Table 1.

Table 1 Key areas of judgement and audit risk

Issue or risk	Finding
The Council established Tower Hamlets Homes, the ALMO, during the year. The relationship between the Council and the ALMO should be reflected in the financial statements in accordance with the SORP.	The Council has prepared Group Accounts to reflect its relationship with the ALMO. We are satisfied that Group Accounting is appropriate for the ALMO. The Group Accounts contained in the draft financial statements were consolidated appropriately and are materially correct.
The current economic climate increased the risk of an impairment arising on the Council's fixed assets and financial instruments (namely, investments).	The Council conducted an impairment review of its fixed assets and has appropriately accounted for the decrease in value arising from current economic conditions. The Council has reviewed its financial instruments and determined that no impairment is required. We are satisfied that impairments have been considered and reflected appropriately in the draft financial statements.
Our 2007/08 Annual Governance Report highlighted the following issues in respect of last year's draft financial statements: • HRA subsidy receivable had not been calculated using the latest available guidance;	My work found that for 2008/09 internal debtors and creditors were correctly excluded from the draft financial statements. My work on the cash flow statement and HRA subsidy receivable is in progress. However, no material issues have been identified to date.

Issue or risk	Finding
 the cash flow statement contained a number of material errors and had to be re-drafted; and 	
 internal debtors and creditors had not been excluded from the consolidated accounts. 	
There have been changes in the key staff responsible for preparing the draft financial statements.	The quality of the closedown processes has improved since last year. The Council is restructuring the financial reporting team and is recruiting permanent staff.

Accounting practice and financial reporting

12 I consider the qualitative aspects of your financial reporting. While our audit has identified two material errors, we have noted an improvement in the quality of the draft financial statements since 2007/08. The Council is currently restructuring its financial reporting to continue to secure further improvement.

Material weaknesses in internal control

- 13 I have not identified any weakness in the design or operation of an internal control that might result in a material error in your financial statements of which you are not aware. However, we have found the following weaknesses in the operation of controls:
 - our testing of a total sample of 40 journals found that in five cases, no evidence could be provided of appropriate authorisation;
 - our documentation of the payroll system found that there were no systematic checks in place to ensure that leavers are removed from the payroll correctly;
 - the Council has an internal target of issuing invoices within five days of receiving an invoice request. Our testing of a sample of 20 invoices found that in five cases, this target was not met (in two of these cases, the invoices were not issued within 14 working days);

Recommendation

- R3 Ensure that all journals are appropriately authorised and that audit trails are retained to demonstrate authorisation.
- R4 Introduce controls to ensure that all leavers are removed from the payroll correctly.
- R5 Issue invoices promptly to help secure collectability of the debt.

Financial statements

Other governance matters

- 14 In the course of my work this year, I have assessed the Council's arrangements for maintaining sound governance and securing value for money with regard to the termination of the employment of the Council's former Chief Executive. I identified a number of weaknesses. In particular that:
 - the termination was announced and made public before the proper processes had been completed;
 - options to mitigate the potential costs to the public purse were not initially considered; and
 - legal and financial advice was not obtained on a timely basis.
- 15 As a result, the Council may have incurred costs in reaching an agreement with the former Chief Executive that could have been avoided. In addition, a Chief Executive whose performance had previously been deemed by the Council to be satisfactory has left its employment. The Council's legal advice was that the final agreement reached was lawful, given the situation that had arisen.
- 16 The Council needs to ensure that such weaknesses do not recur in any future chief officer terminations, in order to maintain proper governance and value for money and to protect the Council's reputation.

Recommendation

R6 Ensure that proper processes are followed for any future terminations of chief officer employment.

Value for money

I am required to conclude whether the Council put in place adequate corporate arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the value for money conclusion. My conclusion is informed by my work on the scored use of resources judgement.

Value for money conclusion

- 17 I assess your arrangements to secure economy, efficiency and effectiveness in your use of resources against criteria specified by the Audit Commission. My conclusions on each of the areas are set out in Appendix 4.
- 18 The Council's system of internal control is adequate and has been operatively effectively during 2008/09. I therefore intend to issue an unqualified conclusion stating that the Council had adequate arrangements to secure economy, efficiency and effectiveness in the use of resources. Appendix 1 contains the wording of my draft report.

Opinion on the Authority accounting statements

I have audited the Authority and Group accounting statements and related notes of the London Borough of Tower Hamlets for the year ended 31 March 2009 under the Audit Commission Act 1998. The Authority and Group accounting statements comprise the Authority and Group Income and Expenditure Account, the Authority Statement of the Movement on the General Fund Balance, the Authority and Group Balance Sheet, the Authority and Group Statement of Total Recognised Gains and Losses, the Authority and Group Cash Flow Statement, the Housing Revenue Account, the Statement of Movement on the Housing Revenue Account the Collection Fund and the related notes. The Authority and Group accounting statements have been prepared under the accounting policies set out in the Statement of Accounting Policies.

This report is made solely to the members of the London Borough of Tower Hamlets in accordance with Part II of the Audit Commission Act 1998 and for no other purpose, as set out in paragraph 49 of the Statement of Responsibilities of Auditors and of Audited Bodies prepared by the Audit Commission.

Respective responsibilities of the Corporate Director of Resources and auditor

The Corporate Director of Resources' responsibilities for preparing the financial statements in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2008 are set out in the Statement of Responsibilities for the Statement of Accounts.

My responsibility is to audit the Authority and Group accounting statements and related notes in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the Authority and Group accounting statements present fairly, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2008:

- the financial position of the Authority and its income and expenditure for the year; and
- the financial position of the Group and its income and expenditure for the year.

I review whether the governance statement reflects compliance with 'Delivering Good Governance in Local Government: A Framework' published by CIPFA/SOLACE in June 2007. I report if it does not comply with proper practices specified by CIPFA/SOLACE or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements. I am not required to consider, nor have I considered, whether the governance statement covers all risks and controls. Neither am I required to form an opinion on the effectiveness of the Authority's corporate governance procedures or its risk and control procedures.

I read other information published with the Authority and Group accounting statements and related notes and consider whether it is consistent with the audited Authority and Group accounting statements. This other information comprises the Explanatory Foreword. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the Authority and Group accounting statements and related notes. My responsibilities do not extend to any other information.

Basis of audit opinion

I conducted my audit in accordance with the Audit Commission Act 1998, the Code of Audit Practice issued by the Audit Commission and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the Authority and Group accounting statements and related notes. It also includes an assessment of the significant estimates and judgments made by the Authority in the preparation of the Authority and Group accounting statements and related notes, and of whether the accounting policies are appropriate to the Authority's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the Authority and Group accounting statements and related notes are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion, I also evaluated the overall adequacy of the presentation of information in the Authority and Group accounting statements and related notes.

Opinion

In my opinion:

- the Authority financial statements present fairly, in accordance with relevant legal and regulatory requirements and the Statement of Recommended Practice on Local Authority Accounting in the United Kingdom 2008, the financial position of the Authority as at 31 March 2009 and its income and expenditure for the year then ended; and
- the Group financial statements present fairly, in accordance with relevant legal and regulatory requirements and the Statement of Recommended Practice on Local Authority Accounting in the United Kingdom 2008, the financial position of the Group as at 31 March 2009 and its income and expenditure for the year then ended.

Opinion on the pension fund accounts

I have audited the pension fund accounts for the year ended 31 March 2009 under the Audit Commission Act 1998. The pension fund accounts comprise the Fund Account, the Net Assets Statement and the related notes. The pension fund accounts have been prepared under the accounting policies set out in the Statement of Accounting Policies.

This report is made solely to the members of the London Borough of Tower Hamlets in accordance with Part II of the Audit Commission Act 1998 and for no other purpose, as set out in paragraph 49 of the Statement of Responsibilities of Auditors and of Audited Bodies prepared by the Audit Commission.

Respective responsibilities of the Corporate Director of Resources and auditor

The Corporate Director of Resources's responsibilities for preparing the pension fund accounts, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2008 are set out in the Statement of Responsibilities for the Statement of Accounts.

My responsibility is to audit the pension fund accounts and related notes in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the pension fund accounts present fairly, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2008, the financial transactions of the pension fund during the year and the amount and disposition of the fund's assets and liabilities, other than liabilities to pay pensions and other benefits after the end of the scheme year.

I read other information published with the pension fund accounts and related notes and consider whether it is consistent with the audited pension fund accounts. This other information comprises the Explanatory Foreword published in the financial statements. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the pension fund accounts and related notes. My responsibilities do not extend to any other information.

Basis of audit opinion

I conducted my audit in accordance with the Audit Commission Act 1998, the Code of Audit Practice issued by the Audit Commission and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the pension fund accounts and related notes. It also includes an assessment of the significant estimates and judgments made by the Authority in the preparation of the pension fund accounts and related notes, and of whether the accounting policies are appropriate to the Authority's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the pension fund accounts and related notes are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the pension fund accounts and related notes.

Opinion

In my opinion, the pension fund accounts and related notes present fairly, in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2008, the financial transactions of the Pension Fund during the year ended 31 March 2009, and the amount and disposition of the fund's assets and liabilities as at 31 March 2009, other than liabilities to pay pensions and other benefits after the end of the scheme year.

Conclusion on arrangements for securing economy, efficiency and effectiveness in the use of resources

Authority's Responsibilities

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 regularly to review the adequacy and effectiveness of these arrangements.

Auditor's Responsibilities

I am required by the Audit Commission Act 1998 to be satisfied that proper arrangements have been made by the Authority for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice issued by the Audit Commission requires me to report to you my conclusion in relation to proper arrangements, having regard to relevant criteria specified by the Audit Commission for principal local authorities. I report if significant matters have come to my attention which prevent me from concluding that

the Authority has made such proper arrangements. I am not required to consider, nor have I considered, whether all aspects of the Authority's arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.

Conclusion

I have undertaken my audit in accordance with the Code of Audit Practice and having regard to the criteria for principal local authorities specified by the Audit Commission and published in May 2008 and updated in February 2009, I am satisfied that, in all significant respects, the London Borough of Tower Hamlets made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2009.

Certificate

I certify that I have completed the audit of the accounts in accordance with the requirements of the Audit Commission Act 1998 and the Code of Audit Practice issued by the Audit Commission.

Jon Hayes District Auditor

Audit Commission 1st Floor, Millbank Tower Millbank London SW1P 4HQ

30 September 2009

Appendix 2 – Adjusted amendments to the accounts

The following misstatements were identified during the course of my audit and the financial statements have been adjusted by management. I bring them to your attention to assist you in fulfilling your governance responsibilities.

Table 2

	Income and Expenditure Account		Balance Sheet		
Adjusted misstatements	Nature of Adjustment	Dr £000s	Cr £000s	Dr £000s	Cr £000s
Opening balance - Revaluation Reserve Capital Adjustment Account (carrying value)	To adjust the opening balance to reflect the correct position on assets owned by the Council following the verification exercise.			120,525	
Opening balance – fixed assets (carrying value)					120,525
Long term debtors	Misclassification of a long			24,374	
Short term debtors	term debtor relating to PFI deferred consideration.				24,374
Provisions	Reclassification to better			11,006	
Deferred liability	reflect the nature of financial incentives granted by the lessor when the Council renewed the leases for Mulberry Place and Anchorage House.				11,006

Appendix 3 – Draft letter of representation

Dear Jon

London Borough of Tower Hamlets - Audit for the year ended 31 March 2009

We confirm to the best of our knowledge and belief, having made appropriate enquiries of other officers of the London Borough of Tower Hamlets, the following representations given to you in connection with your audit of the Council's financial statements for the year ended 31 March 2009 and the associated financial statements of its pension fund.

We acknowledge our responsibility under the relevant statutory authorities for preparing the financial statements which present fairly and for making accurate representations to you.

The Council has no plans or intentions that may materially alter the carrying value or classification of assets and liabilities reflected in the financial statements.

Supporting records

All the accounting records have been made available to you for the purpose of your audit and all the transactions undertaken by the Council have been properly reflected and recorded in the accounting records. All other records and related information, including minutes of all Members meetings, have been made available to you.

Related party transactions

We confirm the completeness of the information provided regarding the identification of related parties.

The identity of, and balances and transactions with, related parties have been properly recorded and where appropriate, adequately disclosed in the financial statements.

Contingent assets and contingent liabilities

There are no other contingent assets or contingent liabilities, other than those that have been properly recorded and disclosed in the financial statements. In particular:

- there is no significant pending or threatened litigation, other than those already disclosed in the financial statements;
- there are no material commitments or contractual issues, other than those already disclosed in the financial statements; and
- no financial guarantees have been given to third parties, other than those already disclosed in the financial statements.

Law, regulations, contractual arrangements and codes of practice

There are no instances of non-compliance with laws, regulations and codes of practice. likely to have a significant effect on the finances or operations of the Council.

The body has complied with all aspects of contractual arrangements that could have a material effect on the financial statements in the event of non-compliance. There has been no non-compliance with requirements of regulatory authorities that could have a material effect on the financial statements in the event of non-compliance.

Irregularities

We acknowledge our responsibility for the design and implementation of internal control systems to prevent and detect error.

There have been no:

- irregularities involving management or employees who have significant roles in the system of internal accounting control:
- irregularities involving other employees that could have a material effect on the financial statements: or
- communications from regulatory agencies concerning non-compliance with, or deficiencies on, financial reporting practices which could have a material effect on the financial statements.

We also confirm that we have disclosed:

- our knowledge of fraud, or suspected fraud, involving either management, employees who have significant roles in internal control or others where fraud could have a material effect on the financial statements; and
- our knowledge of any allegations of fraud, or suspected fraud, affecting the Council's financial statements communicated by employees, former employees, analysts, regulators or others.

Post balance sheet events

Since the date of approval of the financial statements by Members of the Council, no additional significant post balance sheet events have occurred which would require additional adjustment or disclosure in the financial statements.

Compensating arrangements

There are no formal or informal compensating balancing arrangements with any of our cash and investment accounts.

Specific representations

The Council investment of £345,000 in Local Authority Mutual Limited (LAML) is expected to be fully recoverable. No legal action is currently being pursued against the Council and no similar claims have been received or are expected to be received.

Signed on behalf of London Borough of Tower Hamlets

Kevan Collins, Interim Chief Executive Chris Naylor, Corporate Director of Resources

Appendix 4 – Value for money criteria

KLOE	Met
Managing Finances	
Planning for financial health	Yes
Understanding costs and achieving efficiencies	Yes
Financial reporting	Yes
Governing the business	
Commissioning and procurement	Yes
Use of information	Yes
Good governance	Yes
Risk management and internal control	Yes
Managing resources	
Natural resources	Yes
Strategic asset management	Yes
Workforce	N/A

The 'Workforce' criterion is not assessed at London Boroughs in 2008/09.

Appendix 5 – Action Plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	Annual Governance Report 2008/09 - Recomm	nendations				
6	R1 Ensure that errors identified in previous year's financial statements are appropriately classified as prior period adjustments in line with Financial Reporting Standard 3.	3				
6	R2 Correctly classify amounts falling due to the Council after a period of one year as long term debtors.	3				
8	R3 Ensure that all journals are appropriately authorised and that audit trails are retained to demonstrate authorisation.	2				
8	R4 Introduce controls to ensure that all leavers are removed from the payroll correctly.	2				
8	R5 Issue invoices promptly to help secure collectability of the debt.	1				
9	R6 Ensure that proper processes are followed	2				

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	for any future terminations of chief officer employment.					

The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

Copies of this report

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