KINGSTON PARISH COUNCIL

NOTICE OF PUBLIC RIGHTS AND PUBLICATION OF UNAUDITED ANNUAL GOVERNANCE & ACCOUNTABILITY RETURN (EXEMPT AUTHORITY)

ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2026

Local Audit and Accountability Act 2014 Sections 26 and 27
The Accounts and Audit Regulations 2015 (SI 2015/234)

NOTICE

1. Date of announcement **Tuesday 23 June, 2026**

2. Each year the smaller authority prepares an Annual Governance and Accountability Return (AGAR). The AGAR has been published with this notice. It will not be reviewed by the appointed auditor, since the smaller authority has certified itself as exempt from the appointed auditor's review. Any person interested has the right to inspect and make copies of the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested. For the year ended 31 March 2026, these documents will be available on reasonable notice by application to:

V Knight, The Clerk
33 The Ridings, East Preston BN16 2TW
Email: Clerk@Kingston-wsx-pc.gov.uk Telephone: 01903 771922

commencing on **Monday 29 June 2026**

and ending on **Friday 7 August 2026**

3. Local government electors and their representatives also have:

- The opportunity to question the appointed auditor about the accounting records; and
- The right to make an objection which concerns a matter in respect of which the appointed auditor could either make a public interest report or apply to the court for a declaration that an item of account is unlawful. Written notice of an objection must first be given to the auditor and a copy sent to the smaller authority.

The appointed auditor can be contacted at the address in paragraph 4 below for this purpose between the above dates only.

4. The smaller authority's AGAR is subject to review by the appointed auditor under the provisions of the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations 2015 and the NAO's Code of Audit Practice 2015. The appointed auditor is:

MOORE

Moore East Midlands (Ref AP/HD)
Rutland House,
Minerva Business Park,
Lynch Wood,
Peterborough
PE2 6PZ

5. This announcement is made by Val Knight, Clerk of Kingston Parish Council

LOCAL AUTHORITY ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all relevant smaller authorities, including local councils, internal drainage boards and 'other' smaller authorities.

The basic position

By law, any interested person has the right to inspect the accounting records of smaller authorities. If you are a local government elector or registered to vote in the local councils' elections, then you are able to ask questions about the accounts and object to them.

The right to inspect the accounting records

When your council has finalised its accounts for the previous financial year, they must advertise that they are available for people to inspect. You must then provide the council with reasonable notice of your intentions. Following this, by arrangement you will then have 30 working days to inspect and make copies of the accounting records and supporting documents. You may be required to pay a copying charge.

The right to ask the auditor questions about the accounting records

If you have any questions regarding the accounting records, you should first ask your smaller authority. This must be done during the 30-day period for the exercise of public rights. You may also ask the appointed auditor questions about an item in the accounting records. However, the auditor can only answer 'what' questions, not 'why' questions so is limited with their response. To avoid any confusion, it is advised that you put your questions in writing.

The right to make objections

Should you view something as unlawful or believe there are matters of wider concern in the accounts, you may wish to object. If you are a local government elector, you have the right to ask the external auditor to apply to the courts for a declaration that an item is contrary to the law and should be reported as a matter of public interest. This must be done by telling the appointed auditor which specific item in the accounts you object to and why you believe it to be unlawful or think a public interest report should be made about it. You must provide clear evidence to support your objection, and this should be done in writing and the copied to the council.

You should not use the 'right to object' to make a personal complaint or claim against your smaller authority. Complaints of this nature should be taken to your local Citizens' Advice Bureau, local Law Centre or to your solicitor.

A final word

Smaller authorities, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, the auditor must consider the cost that will be involved. They will only continue with the objection if it is in the public interest to do so. If you appeal to the courts against an auditor's decision, you may have to pay for the action yourself.

National Audit Office

Local authority accounts: A guide to your rights

GUIDE

by the
National Audit Office

AUGUST 2021

We are the UK's independent public spending watchdog.

We support Parliament in holding government to account and we help improve public services through our high-quality audits.

The National Audit Office (NAO) scrutinises public spending for Parliament and is independent of government and the civil service. We help Parliament hold government to account and we use our insights to help people who manage and govern public bodies improve public services.

The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. We audit the financial accounts of departments and other public bodies. We also examine and report on the value for money of how public money has been spent.

In 2020, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £926 million.

National Audit Office

As a local resident you have legal rights to inspect, ask questions about and challenge items in your authority's accounts

This guide covers your rights under the Local Audit and Accountability Act 2014, which applies for the audit of accounts for 2015-16 onwards.

12022 08/21 NAO

Contents

This document can be found on the National Audit Office website at www.nao.org.uk

If you need a version of this report in an alternative format for accessibility reasons, or any of the figures in a different format, contact the NAO at enquiries@nao.org.uk

If you have any enquiries regarding this document,
email: LACG@nao.org.uk
or write to us at:
Local Audit Code & Guidance
National Audit Office
157–197 Buckingham Palace Road
Victoria
London
SW1W 9SP
Tel: 020 7798 5393

For further information about the National Audit Office please contact:

National Audit Office
Press Office
157–197 Buckingham Palace Road
Victoria
London
SW1W 9SP

020 7798 7400
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Summary

Local authorities and their accounts

Local authorities spend public money. The money comes from national and local taxes as well as charges to service users. Local authorities must tell local residents and taxpayers how their money is spent. They do this by publishing yearly accounts and details of their spending.

Parts One and Two of this guide relate to all local authorities, large or small. There are, however, slightly different provisions in relation to smaller local authorities and if you are interested in finding out about your rights in relation to an authority within that category, please read the Annex, in addition to Parts One and Two.

Smaller authorities are defined under the 2014 Act as those local authorities where the higher of gross income or expenditure does not exceed £6.5 million for the relevant financial year or either of the two previous years.[1]

Local authority accounts are the financial statements that most organisations must produce at the end of the year. At larger authorities these include a balance sheet and summary of income and expenditure along with supporting notes that give more details. The term also includes related documents used to make up the authority's accounts and any report by the auditor.

Smaller authorities publish an annual return that includes a summary of the authority's income and expenditure (or receipts and payments), its assets and other balances.

All authorities also complete an annual governance statement setting out the arrangements they have in place to ensure that the authority and its business is properly managed.

Your rights and the law

The Local Audit and Accountability Act 2014 (the Act) governs the work of auditors appointed to authorities and other local public bodies. The Act the Accounts and Audit Regulations 2015 and the Local Audit (Public Access to Documents) Act 2017 also cover the duties, responsibilities and rights of local authorities, other organisations and the public concerning the accounts being audited.

1 If the relevant financial year is the year in which the authority is established then clearly only that year is relevant; if the authority is two years old, then it will be a smaller authority if it was under the £6.5 million threshold for either of the two financial years during which it has existed.

As a local resident or an interested person or journalist (these terms are explained further on page 7) you have certain legal rights in respect of the accounts of local authorities.

As an interested person or journalist you can inspect an authority's accounts and related documents. If you are a local government elector for the area to which the accounts relate you can also:

- ask the auditor questions about the accounts; and
- object to them (this term is explained later in theguide).

Your rights to inspect the accounts and related documents, ask questions or make objections, however, can only be exercised during a single 30 working-day period that is set by the authority ('the inspection period'). It is vital, therefore, that if you intend to exercise any of the rights explained in this guide, you contact the authority to find out the dates set for the inspection period each year. It is the authority which sets this period, not the auditor.

You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the authority (which can on occasion be very large) form part of its running costs.

Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax. Please bear this in mind if the issue of concern could be dealt with in a more proportionate way, such as by direct communication with the authority or via an organisation listed in Part Two.

About this guide

This guide:

- explains what your rights are and how to use your rights responsibly;
- explains what the law says about local authority accounts and your rights; and
- gives sources of advice and information for concerns about your local authority that do not relate to the accounts.

Part One shows you how to inspect, ask questions, and object to accounts. To ask the auditor a question or make an objection about accounts, you need to know:

- who the authority's auditor is (see page 10);
- your legal rights;
- when you can exercise them;
- what an auditor can and cannot do; and
- the costs involved.

You may want to know something about your local authority which is not related to their accounts. Part Two gives contact details for bodies that may be able to help you.

The Annex, as mentioned above, sets out the arrangements relevant to smaller authorities where these differ.

If you just want information about your local authority's income or spending, first ask the authority. Most local authorities publish details of their spending on their websites. If you do not have internet access, you can ask the authority to send you a copy of what they publish.

You might want to tell someone your view of how the authority runs its services. You can, without exercising legal rights, tell the authority about these issues at any time.

If you are concerned about the way in which the authority is managing its business or finances, or are dissatisfied with the action the authority has taken in response to an issue you have raised, you can bring your concerns to the attention of the auditor at any time, and not just in the inspection period. Where possible, though, it is best to raise your concerns with the authority and attempt to resolve the issue first.

In this guide we refer to 'local authority accounts' throughout. Your rights also apply to other local public bodies as set out in Schedule 2 to the Local Audit and Accountability Act 2014. For example, in addition to local authorities, your rights apply to bodies such as fire and rescue authorities, police and crime commissioners, national park authorities, combined authorities and internal drainage boards. References to 'the auditor' should also be read to mean the **external** auditor, unless explicitly stated otherwise.

Please note that none of the rights described in this guide apply to the accounts of any NHS body.

Part One

Inspecting accounts

This section of the guide covers inspecting the accounts and supporting records, asking questions about the accounts and objecting to accounts. If you are reading this guide in connection with an issue at a smaller authority, you should also read the Annex at the back of this guide. The Annex contains additional information specifically relating to smaller authorities. You can find a definition of a smaller authority in the summary section on page 4 of this guide.

Objecting to your authority's accounts is a serious matter. It's therefore a good idea to have thought about inspecting the accounts and associated records and asking the authority questions first. It may be that the issue can be resolved without making an objection.

Q: Who can inspect the accounts and accounting records?

A: Any interested person or journalist can inspect the accounts during the inspection period, which includes but is not limited to local electors. Local electors have further rights to ask the auditor questions about the accounts, and to object to them, that are not open to interested persons or journalists.

Whether or not someone is an interested person is a matter of law, so a person is not 'interested' for these purposes just because they say they are. However, persons with a connection to the area will often be interested persons, for example business-rate payers or those who pay fees and charges to the authority.

The Local Audit (Public Access to Documents) Act 2017 extends public inspection rights to journalists. The Act defines a journalist as "any person who produces for publication journalistic material (whether paid to do so or otherwise)".

Q: What can I inspect?

A: You can inspect your authority's accounts, any related documents, and, if a local elector, any report the auditor made in that financial year.

The law says you may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them for that financial year. You can copy all, or part, of these accounts and related documents (but you may have to pay for copies).

Q: Are there limits to what I can inspect?

A: Yes. The law limits what you can inspect or copy.

Your inspection must be about the accounts, or relate to an item in the accounts. You cannot, for example, inspect or copy documents unrelated to the accounts, or that include personal information about staff.

An exception to this is that there will be information in the statement of accounts relating to senior employees' salary and benefits and you can ask to see the relevant entries in the statement. A senior employee is someone earning more than £150,000 a year, or someone earning at least £50,000 a year and holding a senior management position in the authority.

You may also not be able to inspect information which is protected by commercial confidentiality. This is information which would prejudice commercial confidentiality if it was released to the public and there is not, set against this, a very strong reason in the public interest why it should nevertheless be disclosed.

Q: When can I inspect the accounts and accounting records?

A: When authorities have finished preparing accounts for the financial year they must make them available for inspection. There must be a 30 working-day period, called the 'inspection period' or the 'period for the exercise of public rights', during which you can exercise your statutory right to inspect the accounts.

Authorities must tell the public, including putting the information on their website (unless it is a smaller authority without a website – see the Annex), that the accounts and related documents are available to inspect. You will then have 30 working days to inspect the accounts. This is a strict period which the auditor has no power to extend. It is extremely important therefore that you do not delay inspecting the authority's accounts, particularly if you intend to either ask the auditor a question or make an objection. You will have no right of inspection of the unaudited accounts outside of this limited period. It is therefore best to contact the authority direct to find out when their inspection period starts and finishes.

The information which the authority publishes must set out the dates of the period for the exercise of public rights, how you can communicate to the authority that you wish to inspect the accounts and related documents, the name and address of the auditor, and the relevant legislation that governs the inspection of accounts and objections.

Q: Where can I inspect the accounts and accounting records?

A: Local authority accounts are important and valuable documents and must be safeguarded. You will usually have to inspect them at the authority's offices.

You can ask the authority to send you copies of documents, but you may have to pay. Authorities may also charge you for copying any documents.

Q: Can anyone help me to inspect the accounts and accounting records?

A: Yes. You can ask someone to help you.

You can ask another person to go with you to inspect the accounts. This person does not have to live in the area covered by your authority. You must tell the authority in good time that someone will go with you.

Q: What if I am denied my inspection rights?

A: If you disagree with an authority about your inspection rights or cannot access the documents you want to inspect, first try to resolve this with the authority.

Nobody should try to stop you from inspecting and copying documents, but as with all dealings with the public sector, given the cost to local taxpayers, it is advisable that you act reasonably.

Acting reasonably includes agreeing a time to inspect documents that suits the authority as well as you.

Acting reasonably also means being responsible and specific about what you want to inspect.

Q: Can the auditor help me to use my rights to inspect the accounts?

A: No. Your right to inspect the accounts is personal and only in relation to the local authority, which means the auditor cannot get involved.

The auditor has no role in enforcing inspection rights (similarly, the NAO cannot intervene). You can ask the Citizens Advice Bureau for help, or a solicitor to enforce your rights. If this does not work, you may go through the courts.

Inspection rights are covered by Section 26 of the Act and the Accounts and Audit Regulations 2015.

Asking questions of the auditor about the accounts

Q: Who can ask questions about the accounts and accounting records?

A: Anybody can ask the auditor a question, but only local electors can ask questions formally. You should first however ask your authority about the accounts as that is the most efficient way of addressing any issues. If you are a local elector, you can also ask the auditor.

Your right to ask questions of the auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do so – which is another reason for asking the authority first. So, for example, the question might be better answered by another organisation, require investigation beyond the auditor's remit, or involve disproportionate cost (which is borne by the local taxpayer).

Q: Who can answer questions about the accounts and accounting records?

A: Give your authority the opportunity first to explain anything in the accounts that you are unsure about.

If you are not satisfied with the council's explanation, you can ask the auditor to explain points in the accounts. The law limits the time available for you formally to ask questions. This must be done in the inspection period, so let the auditor know your concern as soon as possible.

Q: How can I find out who the auditor is?

A: In this guide 'the auditor' is the auditor appointed to the authority.

The table below sets out the arrangements for 2018-19 onwards:

Financial year	Local authorities, except smaller authorities	Smaller authorities
2018-19 onwards	Local authorities are free to appoint their own auditor, or may opt-in to a collective scheme. Appointments for opted-in authorities will be made by Public Sector Audit Appointments Ltd (PSAA).	Appointments made by Smaller Authority Audit Appointments Ltd (SAAA).

To find out who the auditor is you can:

- ask your authority;
- look at the PSAA website (www.psaa.co.uk);
- email PSAA at auditorappointments@psaa.co.uk;
- look at the SAAA website (www.localaudits.co.uk);
- Phone SAAA on 020 7543 5867; or
- email SAAA at admin@localaudits.co.uk

You will need to know to which financial year your issue relates in order to identify the correct contact.

Q: When can I ask the auditor questions about the accounts?

A: The advertisement or notice that tells you the accounts are available to inspect will also give the period for the exercise of public rights during which you may ask the auditor questions, which here means formally asking questions under the Act. You can formally ask the auditor questions about the accounts, under the Act, during the period for the exercise of public rights.

You can ask someone to represent you when asking the auditor questions. Before you ask the auditor any questions, you should inspect the accounts fully, so you know what they contain.

Please remember that you cannot formally ask questions, under the Act, after the end of the period for the exercise of public rights. You may ask your authority questions about their accounts for any year, at any time. But these are not questions to the auditor under the Act.

Q: What questions can I ask about the accounts?

A: You can ask the auditor questions about an item in the accounts for the financial year being audited. However, your right to ask the auditor questions is limited. The auditor can only answer 'what' questions, not 'why' questions.

The auditor cannot answer questions about the authority's policies, finances, procedures or anything else unless it is directly relevant to an item in the accounts.

Remember that your questions must always be about facts, not opinions. To avoid misunderstanding, we recommend that you always put your questions in writing.

Q: Can the auditor raise my question with the authority for me?

A: No. The auditor cannot ask the authority questions for you or give you the authority's answers.

The auditor acts independently of electors and the authority when auditing the accounts. So the auditor will not ask the authority questions on your behalf.

For questions that are not about the accounts, the auditor will suggest that you ask the authority for the information you want.

Q: Will the auditor answer my question about whether something in the accounts is lawful?

A: The fact that you disagree with something your authority has done, or intends to do, does not necessarily mean it is unlawful. The auditor considers the legality of items of account brought to their attention but does not have to answer questions about whether something the authority has done, or an item in its accounts, is lawful.

When thinking about asking questions, remember that authorities can usually decide the best way to do things within the law. An auditor will, in turn, normally only look into an authority's policies, or decisions, if there is a clear indication of unlawfulness.

If you believe that something in the accounts is unlawful, you should refer to the following section on 'objecting to accounts'.

Asking the auditor questions about the accounts is covered by Section 26 of the Act.

Objecting to accounts

If after inspecting the accounts and asking questions you are concerned about something in the accounts, you may wish to object to the accounts. Examples of concerns that might be appropriate for an objection are where in your view, there is an item in the accounts that is unlawful; there are issues relevant to the authority's arrangements for securing value for money or that are referred to in an authority's annual governance statement; or there are serious matters of wider concern, for instance around corporate governance, arising from the authority's finances.

Remember you can only make an objection within the inspection period; the auditor has no discretion to extend this period. It is really important, therefore, that you do not delay corresponding with the auditor. If you leave this to the last minute and submit an ineligible objection, there may not be time to re-submit an eligible objection before the end of the inspection period, and you may lose your right to object.

Q: Who can object to the accounts?

A: You can only object to the accounts if you are an elector for the body in question; that is to say you must be registered on the electoral register for the geographical area covered by the authority.

Q: What is an objection to the accounts?

A: A local government elector can ask the auditor to apply to the High Court for a declaration that an item of account is unlawful, or to issue a report on matters which are in the public interest ('a public interest report').

You must, so far as is possible, tell the auditor in writing which item in the accounts you object to and why you think the item is unlawful, or why you think that a public interest report should be made (providing the relevant details about the issue, where possible). Simply disagreeing with the merits of any decision taken regarding income or spending does not make it unlawful.

An unlawful item of account is one that, for example, records spending or income that the authority:

- spent or received without powers to do so;
- took from, or added to, the wrong fund or account; or
- spent on something that it had the power to spend on, but the decision to spend the money was wholly unreasonable or irrational.

'Unreasonable' has a special meaning in law in this context and is a high threshold. An authority acts 'unreasonably' when its actions are so wholly unreasonable that no reasonable person could have made that decision. This is sometimes called acting 'irrationally'.

You may want to raise issues relating to matters that the auditor might consider issuing a report in the public interest. This could include issues relevant to the authority's arrangements for securing value for money, matters that are referred to in an authority's annual governance statement, or matters of wider concern arising from the authority's finances. Again, the auditor will not take action simply because you disagree with any income or spending, nor is the auditor likely to get involved where you argue that particular spending is not value for money. The auditor's concerns will be with the adequacy of the authority's general arrangements for securing value for money.

Auditors have a range of ways in which to bring matters of concern to the attention of authorities and to then take steps to follow up on any recommendations. The Code of Audit Practice requires auditors to consider what would be the most appropriate and effective means of reporting. When doing so, auditors consider issues such as:

- the significance of the matter or weakness in arrangements;
- whether the body already recognises the need to address the matter and is taking appropriate action;
- what information is already in the public domain and whether further reporting to bring the matter to the attention of the public is appropriate;
- which form of reporting is likely to be most effective in helping the audited body to understand the significance of the matter and the need to take action; and
- whether previous reporting has been acted upon and, if not, whether more prominent reporting – such as issuing a statutory recommendation or a report in the public interest – is now necessary.

It is therefore possible that even where the auditor has considered an objection and finds in favour of the objector they may consider a different response to be more appropriate to the particular circumstances – or more cost-effective – than an application to a court for a declaration or a report in the public interest.

Q: How do I object to the accounts?

A: To object to the authority's accounts you must write to the auditor stating you want to make an objection, including the information and evidence below and you should also send a copy to the authority.

The notice should include:

- confirmation that you are an elector in the authority's area;
- why you are objecting to the accounts and the facts on which you rely;
- details of any item in the accounts that you think is unlawful;
- the grounds on which you believe any item is unlawful;
- details of any matter you think the auditor should make a public interest report about; and
- what you would like the auditor to do (see the next question).

The notice must be in writing. You also need to provide the auditor with evidence to support your objection. On receipt of your notice, however, the auditor will be deciding only whether they will accept your objection for further consideration. You may therefore not need to provide the auditor with all of the information or evidence you have at this stage. A summary of key points including details of amounts involved may well be sufficient and will enable the auditor to reach a decision over whether to consider your objection more quickly. Should the auditor decide to accept your objection for consideration, they may then ask you for any remaining information or evidence you have gathered.

You can ask someone to represent you and deal with your objection. This person does not have to live in the area covered by your authority.

Q: What can I ask the auditor to do about my objection?

A: You should say which power or powers you would like the auditor to consider using to deal with your objection. You can only ask the auditor to act within the powers available under the Local Audit and Accountability Act 2014.

If you are objecting you should specifically ask the auditor to do either or both of the following:

- issue a report in the public interest; and/or
- apply to the courts for a declaration that an item of account is against the law. Each of these options is explained below.

Q: What does it mean if an auditor issues a public interest report?

A: The auditor can report 'in the public interest'.

When an auditor exercises their discretion to report in the public interest, there are actions that the authority must take. On receipt of a public interest report, the authority must publish the report on its website (or if it does not have one, in another way likely to bring it to the attention of people who live in its area), call a public meeting to consider the auditor's report and any recommendations in it.

The authority must consider and respond publicly within a short time frame of receiving a public interest report, usually a month. Please note that although an authority must consider a public interest report, once they have complied with the procedural steps as outlined above (holding a public meeting etc.) they are not required to take any action in relation to the contents of the report. In other words, the authority is entitled to disagree with the conclusions set out in the report.

The auditor can send the public interest report to anyone they see fit, including the media and other local or national public bodies. The auditor must also send a copy to the relevant Secretary of State.

Reporting in the public interest is covered by Schedule 7 of the Local Audit and Accountability Act 2014 and Chapter 5 of the 2015 Code of Audit Practice.

Previously published public interest reports are available on the Audit Commission's archived website and PSAA website.

Q: What does it mean for an auditor to apply to the court for an item of account to be declared unlawful?

A: If the auditor thinks that income or expenditure in the accounts is unlawful, they can apply to the court for a judge to give a declaration to that effect.

If the court agrees with the auditor, it can make this declaration and can order the authority to correct the accounts.

When deciding whether to apply for a judge's declaration, the auditor must consider several matters. These include weighing the possible public interest benefits of going to court against the likely costs. The costs of going to court are high and there needs to be a considerable public interest involved before this outweighs the legal costs of applying to court. If the authority decides to argue against the auditor's view in court, then the costs to the local taxpayer will also include the authority's legal fees.

Making a declaration is covered by Schedule 7 of the Local Audit and Accountability Act 2014 and Chapter 5 of the 2015 Code of Audit Practice.

Q: What do I do with my written objection?

A: Send it direct to the auditor, no later than the end of the period for the exercise of public rights (see page 5).

You must also send a copy of your written objection to the authority. If you do not, the auditor will not be able to act on it.

If your objection has personal or sensitive information (for example, about you or someone in the authority) mark it as 'Private and Confidential – for the attention of the Chief Executive (or the Clerk, in parish and town councils)'.

You cannot use the objection process to make a personal complaint or claim against an authority.

Q: What will the auditor do with my written objection?

A: The auditor will first consider whether your objection meets the statutory eligibility requirements.

Before the auditor can deal with your objection, they must confirm (see page 14) that:

- the objection was made within the inspection period (see page 8);
- you are a local elector of the area the accounts relate to; and
- the objection relates to an item in the year of account for which the audit is still open.

The auditor will look at your objection. Neither the auditor nor the court can challenge an authority's decision if it is lawful, but the auditor may decide to use their additional reporting powers, such as a statutory recommendation or a report in the public interest, to highlight governance or value-for-money issues.

After first deciding whether your objection is eligible (that is, it meets the statutory requirements to be a valid objection), the auditor will then decide in their discretion whether they will accept the objection for consideration.

Even where the objection is eligible, the auditor has a broad discretion as to whether or not to accept it for consideration. This will broadly depend on whether you have raised something in relation to which the public interest is such that further investigation/action is justified. The grounds, among others, on which they may decide not to pursue the objection include:

- the cost of dealing with it would be disproportionate to the underlying sum (item of account) to which it relates;
- that it is frivolous or vexatious; and/or
- it is a repeat of an objection made in a prior year of account.

If the auditor decides not to go ahead with the objection, they will usually give brief reasons for their decision. You have a legal right to appeal against the auditor's decision not to go ahead with the objection. If you decide to do this you are strongly advised to secure your own legal advice and representation.

Q: What happens next?

A: If your objection is accepted for consideration the auditor will decide appropriate next steps.

The auditor will decide if the matter you raised needs investigation and then whether a High Court declaration should be sought or a public interest report be issued.

If the matter does not warrant either of these outcomes, it may still be a matter that the auditor may wish to raise with the authority by way of recommendations or to consider as part of their routine planned audit work.

The auditor will look objectively at the evidence that an item of account may be unlawful or any other issues you have raised that could be the subject of a public interest report. Disagreeing with something your authority has done, or intends to do, does not necessarily mean it is unlawful.

Q: How does the auditor consider my objection?

A: In everything they do, auditors must follow the Act, the 2015 Code of Audit Practice **and any statutory guidance issued in support of the Code (a new Code of Audit Practice was published in 2020 for financial years 2020-21 onwards). Under the Code of Audit Practice, the auditor must take a balanced approach in spending time and money examining an objection.**

The auditor will consider:

- how significant the matter is;
- whether there is wider public interest in the issues you raised;
- whether they, or another auditor, have previously considered the matter;
- whether the substance of the matter falls within the scope of work conducted by an inspectorate or other body;
- the costs of dealing with the matter; and
- your rights, and the authority's, individual councillors' and authority officers' rights

The auditor will usually write to you to say how they have dealt with your objection and the outcome.

Q: Can I appeal against the auditor's decision about my objection?

A: Yes, in certain circumstances, but you should take legal advice as you may have to pay costs.

When the auditor decides not to accept your objection or that they will not take any formal audit action, they will usually explain their reasons in writing.

If reasons have not been given and your objection is that an item in the accounts is unlawful (as opposed to asking for a public interest report), you can ask the auditor for the reasons in writing.

If you have asked the auditor to apply to the court for a declaration that the item of account is unlawful and you disagree with the auditor's decision either not to consider your objection, or not to seek a declaration, you can appeal but you will have to take the matter to court yourself.

If you have asked the auditor to issue a report in the public interest and they decide not to do so, you cannot appeal that decision.

The time limit for an appeal is 21 days, so you should get legal advice as soon as possible.

An appeal can be expensive. We strongly recommend that you take legal advice on the strengths of your case and the financial risk involved before lodging an appeal. You may, if your appeal is not upheld, have to pay all of your costs associated with the appeal, and may also be ordered to pay the auditor's and authority's legal costs.

Your right to object to the accounts is covered by Section 27 (but see also Schedule 7) of the Local Audit and Accountability Act 2014.

Q: Other than the legal power(s) I have asked the auditor to use, does the auditor have any other powers?

A: Yes.

The auditor can also consider whether to do any or all of the following:

- make a recommendation under Schedule 7 of the Act which the authority must consider and respond to publicly;
- make other recommendations to the authority they consider appropriate;
- issue an advisory notice; and/or
- apply for a judicial review of the authority's actions.

These four actions are explained below.

Q: What does it mean if an auditor issues a Schedule 7 recommendation?

A: The auditor has legal powers to make Schedule 7 recommendations to the authority about any matter related to the audit of the accounts.

The auditor's Schedule 7 recommendations can be in a letter responding to the objection, a public interest report or within other reports that they produce.

The authority must consider and respond to Schedule 7 recommendations.

More information on these recommendations can be found in Schedule 7 of the Local Audit and Accountability Act 2014 and Chapter 4 of the 2015 Code of Audit Practice.

Q: What other recommendations can the auditor make?

A: The auditor can issue recommendations arising from the work they have undertaken as part of the objection process.

In addition to their power to issue Schedule 7 recommendations as explained above, auditors may decide to issue other recommendations in light of the work they have undertaken while considering the matter or objection. These recommendations, made under Section 27 of the 2014 Act, differ from 'Schedule 7' recommendations, in that they do not require the authority to take specific actions as a result of receiving them, but the auditor would expect them to be considered by the authority as would be the case with any other audit recommendations during the year.

The auditor may choose to issue either type of recommendation, or both types, in response to their consideration of a matter. Equally, they may choose not to make any recommendations at all.

Q: What does it mean if the auditor issues an advisory notice?

A: The auditor can issue an advisory notice if they have reason to believe an authority or an officer of the authority:

- is about to make, or has made, a decision that involves, or would involve, the body incurring unlawful expenditure;
- is about to take, or has begun to take, a course of action which, if continued to its conclusion, would be unlawful and likely to cause a loss or deficiency; or
- is about to enter an item of account, the entry of which is unlawful.

The effect of the advisory notice is to provide the authority with some time for officers and members to reconsider their proposed actions and in appropriate cases, get professional advice. If it has not done so already, the authority can ask for a second opinion.

Issuing an advisory notice is covered in Schedule 8 of the Local Audit and Accountability Act 2014.

Q: What does it mean if the auditor applies for judicial review?

A: If matters are serious enough, and other additional powers (as discussed above) are inadequate or considered inappropriate, the auditor can decide to apply to the court for judicial review.

Only a judge can decide whether an authority's decision, or failure to decide something it should have, is unlawful.

The auditor can apply for judicial review on any authority decision, or authority failure to act, which it is reasonable to believe would affect the authority's accounts.

Judicial review is covered by Section 31 of the Local Audit and Accountability Act 2014.

Q: How much will any of the above matters cost and who pays?

A: Unless you appeal or get your own legal advice, there will be no direct cost to you. However, the auditor and the authority will spend time answering questions or considering objections. The authority pays for the auditor's time, which can sometimes be significant. Some objections require significant time to be spent by the authority finding information and answering questions about the objection, which may divert resources away from other services.

As authorities generally meet their own and the auditor's costs of dealing with questions and objections, this can affect all local taxpayers in the community if it has an impact on the level of council tax the authority needs to raise.

It's therefore worth considering whether there may be a more proportionate and cost-effective way of dealing with your issue – for instance, dealing directly with the authority or via another body – before raising an objection. Further information is contained in Part Two.

Part Two

Concerns about something other than accounts

If you work for a council and suspect fraud

This section of the guide contains suggestions for actions you might take, or other organisations you might wish to contact, if you have concerns about something other than the accounts. If you are reading this guide in connection with an issue at a smaller authority, you should also read the Annex at the back of this guide. The Annex contains additional information specifically relating to smaller authorities. You can find a definition of a smaller authority in the summary section on page 4 of this guide.

The Public Interest Disclosure Act 1998 (PIDA) is popularly known as a 'whistleblowers' protection act. PIDA provides a right of redress in the event of victimisation or dismissal if workers raise their concerns in the ways specified in the legislation.

Whistleblowers can claim protection under PIDA by disclosing their concerns either to their employer or, if they prefer, to another organisation authorised to receive disclosures (a 'prescribed person'). The Comptroller and Auditor General is a 'prescribed person' under PIDA to whom persons can make disclosures about the proper conduct of public business, value for money or fraud and corruption in relation to the provision of public services.

The Comptroller and Auditor General has a confidential public interest disclosure line for public service employees where they cannot, or do not want to, report to their employer. The Comptroller and Auditor General is supported by the National Audit Office (NAO) in exercising their responsibilities. If you wish to contact the NAO, you can call the dedicated Whistleblowers' Hotline on 020 7798 7999.

Prescribed person status does not convey any powers to such persons to investigate matters that are disclosed to them, beyond such powers as they may already have as part of their core statutory functions.

Complaints

If you think something has gone wrong at your authority, you should contact them. You can do this by writing to:

- the Chief Executive (or in parish and town councils, the Clerk); or
- your local councillor.

Most authorities have a complaints-handling system, which deals with nearly all complaints. Occasionally there are issues that someone else needs to deal with. Here are some suggestions to help you.

Public Sector Audit Appointments Limited (PSAA)

If you are unhappy with how the auditor has handled your question or objection about an authority's accounts, you should contact the audit firm and make a formal complaint.

If, having followed the firm's complaints procedure, you remain unhappy with the actions the auditor has taken, or the firm's response to your complaint, you can contact PSAA.

Phone: 020 7072 7445
Email: auditorappointments@psaa.co.uk

Smaller Authority Audit Appointments Limited (SAAA)

In respect of auditors' work on annual returns for smaller authorities from 2017-18 onwards, if you are unhappy with how the auditor has handled your question or objection about a authority's accounts, you should contact the audit firm and make a formal complaint.

If, having followed the firm's complaints procedure, you remain unhappy with the actions the auditor has taken, or the firm's response to your complaint, you can contact SAAA.

Phone: 020 7543 5817
Email: admin@saaa.co.uk

Local Government and Social Care Ombudsman

Contact the Ombudsman if you:

- think the way your council has gone about something is wrong;
- think the impact of a decision it has made is unfair; or
- are dissatisfied with how the authority has dealt with your complaint.

Please note, however, that the Ombudsman cannot deal with complaints about parish and town councils.

Phone: 0300 061 0614
Website: Local Government and Social Care Ombudsman

Fraud

Contact the authority's internal auditor if you think the authority has committed fraud or used money improperly. Your authority will give you the internal auditor's name and address. If you have evidence of fraud, you should also contact the police.

Freedom of information

Your authority is covered by the requirements of Freedom of Information legislation, so you can ask to see anything you want to see at any time. Your authority will tell you if there is a reason you may not see any information. If you need help getting information, the Information Commissioner may be able to help you.

Information Commissioner's Office
Website: Information Commissioner
Helplines: 0303 123 1113

Standards committees

Complain to the authority's standards committee, if your authority has one (or it may be a committee with a different name), if you think a councillor's behaviour is below the high standards expected. Standards committees publish their own information on how to make a complaint. They only deal with complaints about members (councillors) and not about officers or other employees.

If your complaint is about a parish or town councillor, contact the standards committee of the authority that collects your council tax.

You can make a complaint about a member of other local public bodies such as fire authorities, national park authorities and passenger transport authorities. These local public bodies often have their own standards committees. If they do not have a committee or you cannot find the committee's address, send your complaint to the main office of the local public body.

Personal claims

Contact your local Citizens Advice Bureau, local law centre or a solicitor if you have a personal claim against the authority. The Law Society has a list of solicitors in your area.

Annex

Specific arrangements for smaller authorities

Smaller authorities are defined under the 2014 Act as those local authorities where for the relevant financial year or either of the two previous years (or one or two years if the body has existed for less than three years) the higher of gross income or expenditure does not exceed £6.5 million. In this section, all references to 'the authority' refer to smaller authorities.

In almost all respects, your rights as set out in the main part of this guide are unchanged where the authority in question is a smaller authority. However, the nature and scope of the work carried out by the auditor differs according to the type of authority.

Smaller authorities are subject to a limited assurance review, which is not a 'full' audit, and is proportionate to the size and undertakings of the authority. Auditors review the authority's annual return (consisting of an annual governance statement and statement of accounts) in accordance with guidance issued by the NAO on behalf of the Comptroller and Auditor General. Their work does not constitute an audit carried out in accordance with International Standards on Auditing and does not provide the same level of assurance.

All smaller authorities are required to publish their annual return locally, including on a website. Certain types of smaller authorities that do not have their own websites must still inform the public of the inspection period on a website, but this website does not have to be their own. It must, however, be publicly accessible without having to register or pay. Parish meetings can do the same, or advertise the inspection by putting up a notice in a conspicuous public place in the area of the authority for at least 14 days.

All smaller authorities must also publish details of the dates they have set for the inspection period. This must cover the 'common inspection period' which is normally the first 10 working days of July.

Some authorities do not have an office and so usually arrange for inspection in a local public place. You should not expect to go to anyone's home to inspect the accounts. The authority will arrange a suitable place for you to inspect the accounts if it does not have an office.

If an auditor receives a question or objection from a local elector in relation to a smaller authority it will consider the matter in the same way as is set out in the main part of this guide. The only difference will be that, given the size of the authority, the relative costs of the action that may need to be taken by the auditor in response to an objection as against the amounts of money involved is more likely to be a material factor in determining the auditor's decision as to whether or not to accept the objection for consideration.

Please again bear in mind that the costs of any action taken are borne by local taxpayers, and auditors have a duty to ensure that their response is proportionate and that they remain mindful of the amounts of public money involved.

Exempt authorities

From 2017-18, the very smallest local authorities (those with annual gross income and annual gross expenditure below £25,000) are potentially exempt from even the annual limited assurance review required at other smaller authorities.

For the great majority of these authorities (there are a few exceptions – see below) there will be no requirement even to have a limited assurance review or to submit an annual return to the auditor, provided that the authority submits an exemption certificate to the auditor. Authorities that submit an exemption certificate and are otherwise eligible (see below) become 'exempt authorities'. Authorities will have to wait until the end of their financial year before they can determine whether or not they are potentially exempt, when they will know their income and expenditure totals for the year.

For exempt authorities, the ability of local electors and other interested persons to exercise their public rights to inspect the accounts and supporting records, ask questions, or make objections is the same as has already been set out in Part One of this guide in respect of other authorities and in the main part of this guide. You will still be able to contact the appointed auditor to bring matters to their attention, ask formal questions or make objections. The name of the appointed auditor and the auditor's contact details should be included on the notice published by the body when it commences the inspection period.

Note that just because an authority was an exempt authority in a previous year does not mean that it will necessarily be exempt in relation to the current year of account.

As noted above, there are certain circumstances in which an authority cannot certify itself as exempt, even where it is below the £25,000 income and expenditure threshold and has submitted an exemption certificate. These circumstances are:

- the year of account is one of the first three years of the authority's existence; and/or
- in relation to the year of account or the previous year of account the auditor has taken formal legal steps in relation to the authority including issuing a public interest report, seeking a declaration from the High Court, or making a written recommendation under Schedule 7 of the 2014 Act (you can check this with the auditor).

Where a smaller authority fails to submit an exemption certificate it must submit an annual return to the auditor and will be required to undergo a limited assurance review.

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