

MUCH HADHAM PARISH COUNCIL – REVIEW OF EFFECTIVENESS OF INTERNAL CONTROLS 2021/22 – MEETING 3 MAY 2022

This document provides the evidence base to enable the Parish Council to correctly determine whether it has had the proper controls in place for the financial year. The internal control elements have been extracted from the Annual Governance Statement, section 1 of the Annual Governance and Accountability Return (AGAR).

In determining the evidence in place for the internal control elements, the Practitioners' Guide to Proper Practices, issued in March 2021 by the Joint Panel on Accountability & Governance, was followed.

	Internal control element	'Yes' means	PC answer	Evidence base
1	We have put in place arrangements for effective financial management during the year, and for the preparation of accounting statements.	Prepared its accounting statements in accordance with the Accounts and Audit Regulations	Yes	<p>The Parish Council approves its budget and determines the precept on an annual basis at the January meetings. For 2021/22, minute reference is 21/11(iii) but for during the year, for 2022/23, the minute reference is 22/11(iii). When approving the budget, the level of general balance held is considered, in conjunction with the forward financial plan.</p> <p>At each meeting, the Parish Council receives a financial statement which shows the up to date financial position and a comparison of spending against the budget set. If required, action is taken. No significant projects were undertaken that necessitated a financial appraisal.</p> <p>The Parish Clerk is the Responsible Financial Officer (RFO). She has put in place effective systems of internal financial controls to ensure that all financial transactions are accurately and promptly recorded in the electronic cashbook. Cashbook entries are properly supported and are the basis of the financial monitoring during the year, and the production of the financial statements. Bank reconciliations are prepared promptly each month and at the 31st March. Cllr Mrs J Liversage has reviewed the reconciliations for September and March and found no issues. These reviews have been evidenced on the reconciliations.</p> <p>The Parish Council has no investments.</p> <p>As mentioned above, the financial statements are prepared from the cashbook. The audit trail from the cashbook to statements is clear and easy to follow. The additional supporting notes are evidence based. Clear links are provided on a copy of the summary receipts and payments account to the accounting statements in the AGAR.</p> <p>Earmarked reserves are maintained to support projects and smooth the peaks and troughs of non-routine maintenance work.</p> <p>Internal Audit concluded that these controls were in place during their review for 2021/22.</p>

	Internal control element	'Yes' means	PC answer	Evidence base
2	We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	Made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.	Yes	<p>The Parish Council has up to date Standing Orders (SO's) and Financial Regulations (FR's) in place. Both documents were subjected to a detailed review during 2018, as revised national models were issued, and the updated documents were approved 3 July 2018 (Minute 18/115). During 2021/22, these documents were reviewed and updated, primarily to reflect withdrawal from the EU (Minute 21/140) and are available on the Parish Council's website.</p> <p>As highlighted in the previous section, the RFO has put in place effective systems of internal financial controls. Majority of the income is directly credited to the bank account. Online banking was implemented for the last quarter of the previous financial year and the Parish Council approved the authorised signatories. Online payments authorised by two signatories following review of scanned documentation. There is no credit or debit card and no petty cash. The Parish Clerk is the only employee and she is properly paid, and all other employment duties have been complied with.</p> <p>Arrangements for VAT are in place. VAT paid is only included in the reclaim if it is supported by a VAT invoice. VAT reclaim for 2020/21 was submitted on 5th April 2021 and received on the 29th April 2021. The VAT reclaim for the current year was submitted on the 31st March 2022.</p> <p>The Parish Council has a fixed asset register. Asset values are a mix of actual cost, where known, and a proxy cost for older assets using insurance valuation information. The opening asset value is being restated this year following re-working the register from 2009/10. Assets are properly maintained, and the 2 largest assets are managed on the Parish Council's behalf by independent charities.</p> <p>The Parish Council has a PWLB loan that was arranged in May 2015, for 20 years. Borrowing approval was obtained at the time for this loan and the annual repayments are included in the precept. During 2020/21, borrowing approval was given for an additional loan for the Parish Lighting Project and the funds were drawn down from PWLB in October 2021. This loan is for 10 years.</p> <p>This document is the review of effectiveness of internal controls that is required. Internal Audit concluded that these controls were in place during their review for 2021/22.</p>

	Internal control element	‘Yes’ means	PC answer	Evidence base
3	We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	Has only done what it has the legal power to do and has complied with Proper Practices in doing so.	Yes	The Parish Council is controlled by statute and can only make decisions if it has the power to do so. The powers available to a Parish Council are detailed in Appendix A. Decisions, including financial decisions, were made in accordance with a proper power to do so. Herts Association of Town and Parish Councils (HAPTC) issue regular bulletins which contain, when applicable, legal matters relevant to parish councils. The Parish Clerk reviews these bulletins to keep abreast of current issues, taking action when necessary.
4	We provided proper opportunity during the year for the exercise of electors’ rights in accordance with the requirements of the Accounts and Audit Regulations.	During the year gave all persons interested the opportunity to inspect and ask questions about this authority’s accounts.	Yes	This relates to 2020/21 financial year. The inspection period was the 3 rd June to the 14 th July 2021, and this complied with the requirements of the Accounts and Audit Regulations 2015. In addition, in accordance with the Regulations, the approved draft annual return, subject to audit, was published on the 5 th May 2021. The conclusion of the audit was properly notified, following the receipt of the audited annual return. The audited return was published in conjunction with the notice of conclusion of audit on the 30 th September 2021 and was received by the Parish Council at its meeting on the 5 th October 2021.
5	We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	Considered and documented the financial and other risks it faces and dealt with them properly.	Yes	Risks facing the Parish Council are assessed on an annual basis and the assessment includes, for the risks identified, the controls in place to manage that risk or the action required to manage the risk. In effect, the risk assessment considered by the Parish Council at its meeting on the 30 th March 2021 relates to the current financial year of 2021/22. (Minute 21/55). To demonstrate that the risk assessment is an annual process, the revised risk register was approved by the Parish Council during 2021/22 at its meeting on the 1 st March 2022. (Minute 22/41)

	Internal control element	'Yes' means	PC answer	Evidence base
6	We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	Arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.	Yes	<p>The Parish Council's Internal Audit (IA) function is provided by Auditing Solutions Ltd. This company has been in existence since 2003 and uses qualified consultant staff to undertake internal audits. Given the size of the Parish Council, an annual IA review is undertaken which covers the whole financial year.</p> <p>The review undertaken during the year was undertaken remotely due to COVID-19 during April 2021, relating to the 2020/21 financial year, and the conclusion was that the Parish Council had again maintained more than adequate and effective internal control arrangements.</p> <p>The review for 2021/22 was again undertaken remotely during April 2022 and the conclusion was that the Parish Council had again maintained more than adequate and effective internal control arrangements.</p> <p>Full conclusions for both years referred to above are detailed at Appendix C.</p>
7	We took appropriate action on all matters raised in reports from internal and external audit.	Responded to matters brought to its attention by internal and external audit.	Yes	<p>Internal Audit (IA)</p> <p>The IA report for 2020/21 contained no recommendations therefore no action required. The IA report was considered at the 4th May 2021 Parish Council meeting.</p> <p><u>Minute extract 21/90(i)</u>: The Clerk highlighted that the annual Internal Audit review had been completed for the last financial year, 2020/21, and the conclusion was that the Parish Council had the expected controls in place and no recommendations were made. Page 3 of the AGAR 2020/21, completed by Internal Audit, and the supporting detailed report were noted.</p> <p>External audit (EA)</p> <p>EA issued an unqualified opinion on the Parish Council's Annual Return for 2020/21 but also raised an "other matter", which did not affect their opinion, drawing attention to the street light insurance claim received in 2019/20 – the prior year – being included as a receipt when, in their opinion, it should have been netted off the cost of the replacement street light. The EA did acknowledge that their advice was not supported by the Practitioner's Guide which the Parish Council is required to comply with. The Practitioner's Guide issued for 2022/23, in April 2022, does not support this view: para 5.45: Where a refund is received from a third party (for example as part of an insurance claim) the transactions are not linked and may not be "netted off".</p> <p><u>Minute extract 21/173(iii)</u>: See Appendix B</p>

	Internal control element	'Yes' means	PC answer	Evidence base
8	We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the authority and, where appropriate, have included them in the accounting statements.	Disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.	Yes	The Parish Council has disclosed everything it is required to do so in its financial statements. There have been no events taking place after the year end which impact on the financial position reported in the financial statements.
9	Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.	Not applicable	Not applicable

WHAT CAN LOCAL COUNCILS DO?

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Sections 9 and 10 Local Government Act 1972, s.214 Local Government Act 1972, s.214 (6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: Places of public recreation Cycle parks Public swimming baths Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s.164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities Power to act as charity trustees	Charities Act 2011, ss.298-303 Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to Inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
	Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government Act 1972, s.133

Function	Powers & Duties	Statutory Provisions
Crime prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general Power of competence	Localism Act 2011, ss.1-8
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	<p>Power to repair and maintain public footpaths and bridle-ways. Power to light roads and public places</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles. Power to enter into agreement as to dedication and widening. Power to provide roadside seats and shelters. Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway Power to complain to district council about the protection of rights of way and roadside waste Power to provide certain traffic signs and other notices Power to plant trees and shrubs and to maintain roadside verges</p>	<p>Highways Act 1980, ss.43, 50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Road Traffic Regulation Act 1984, ss.57, 63</p> <p>Highways Act 1980, ss.30, 72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47, 116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96</p>
Honorary titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s.249
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127 Local government Act 1972, s.139</p>
Litter	Provision of bins	Litter Act 1983, ss.5, 6

Function	Powers & Duties	Statutory Provisions
Lotteries	Powers to promote	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market buildings	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9; Town and Country Planning Act 1990, ss.61E- 61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire and maintain land for public recreation Power to acquire and maintain land for open spaces	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to receive and retain Duty to deposit certain published works in specific deposit libraries	Local Government Act 1972, s.226 Legal Deposit Libraries Act 2003, s.1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities Provision of boating pools	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority.	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30

Function	Powers & Duties	Statutory Provisions
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142

Source: NALC's "The good councillor's guide" 2018 & caveat is "no list can be totally comprehensive"

EXTERNAL AUDIT CONCLUSIONS (Point 7 refer)**2020/21 External Audit report:**

The external auditor report given in Section 3 of the Annual Governance & Accountability Return requires amendments as follows:

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

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

The authority has received £2147 in respect of an insurance claim against expenditure during the prior year and has accounted for it as a receipt in Section 2, Box 3 rather than netting it against the relevant expense. Whilst the Practitioners' Guide is silent on the matter, it is our view that the true cost to the authority should be shown on a net basis. Accounting on a gross basis inflates the gross income and gross expenditure of the authority and can push the authority into a higher fee band than it would otherwise be in.

Minute extract 21/173 (iii):**Annual Governance and Accountability Return (AGAR) 2020/21**

The Clerk reported that an unqualified opinion had been issued on the Parish Council's AGAR. However, the external auditor had raised an "other matter", which did not affect their opinion, but drew attention to the street light insurance claim received in 2019/20 – the prior year - being included as a receipt when, in their opinion, it should have been netted off the cost of the replacement street light. The external auditor did acknowledge that their advice was not supported by the Practitioner's Guide which the Parish Council is required to comply with. In addition, they commented that by not following their advice, the Parish Council faced the risk of moving into a higher band for its audit fee. The Clerk highlighted that this was not a significant risk and that the Parish Council would hit a higher fee band for the next audit due to the parish lighting project which would increase the external audit fee by £100. It was also noted that this point had been raised with HAPTC and subsequently NALC so that future guidance can be amended if necessary.

As required, the audited AGAR had been published, on the website and noticeboards, on 30th September, along with the notice concluding the audit. Finally, the Clerk reported that next year's submission deadline is likely to be 1st July, expected to be easily achieved as the draft AGAR and accounts will be considered at the May meeting, and the local electors inspection period would be 3rd June to 14th July.

INTERNAL AUDIT CONCLUSIONS (Point 6 refers)

The review undertaken **during** the year was undertaken remotely during April 2021 and the conclusion was:

“We have concluded that, based on the satisfactory completion of our programme of work undertaken during our visit, the Council has again maintained more than adequate and effective internal control arrangements. We are pleased to acknowledge the continued quality of records maintained by the Clerk and thank her for her assistance, which has ensured the smooth progress of our review process. We are pleased to report that there are no issues arising this year warranting formal comment or recommendation.

We have completed and signed the ‘Internal Audit Report’ having concluded that, in all significant respects, the control objectives set out in that Report were being achieved throughout the 2020-21 financial year to a standard adequate to meet the needs of the Council.”

The review **for 2021/22** was again undertaken remotely during April 2022 and the conclusion was:

“We have concluded that, based on the satisfactory completion of our programme of work undertaken during our visit, the Council has again maintained more than adequate and effective internal control arrangements. We are pleased to acknowledge the continued quality of records maintained by the Clerk and thank her for her assistance, which has ensured the smooth progress of our review process. We are pleased to report that there are no issues arising this year warranting formal comment or recommendation.

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