



## Auditor Guidance Note 6 (AGN 06)

### Local Government Audit Planning

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#### About Auditor Guidance Notes

Auditor Guidance Notes (AGNs) are prepared and published by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (C&AG) who has power to issue guidance to auditors under Schedule 6 paragraph 9 of the Local Audit and Accountability Act 2014 (the Act).

AGNs set out guidance to which local auditors must have regard under Section 20(6) of the Act. The guidance in AGNs supports auditors in meeting their requirements under the Act and the *Code of Audit Practice* published by the NAO on behalf of the C&AG.

The NAO also prepares and publishes Supplementary Guidance Notes (SGNs) under Schedule 6 paragraph 9 of the Act. SGNs are prepared and published when the C&AG wishes to address a particular issue. SGNs are part of the full suite of AGNs which as such constitute guidance to which local auditors must have regard under Section 20(6) of the Act.

The NAO issues Weekly Auditor Communications (WACs), and less frequently Special Auditor Communications (SACs) to local auditors to bring to their attention relevant information to support them in carrying out audit work. Whilst these are for information, they may draw attention to guidance that has been issued by the NAO on behalf of the C&AG in AGNs to which, as stated above, auditors must have regard. The NAO may also use SACs to clarify expectations in relation to interpretation of specific issues.

The firms that are local auditors under the Act may use these communications to update their own internal communications and reference tools.

AGNs are numbered sequentially and published on the NAO's website. Any new or revised AGNs are brought to the attention of local auditors through the WACs.

The NAO prepares Auditor Guidance Notes (AGNs) solely to provide guidance to local auditors in interpreting the Code of Audit Practice made under the Local Audit and Accountability Act 2014. The contents of AGNs cannot be reproduced, copied or re-published by parties other than local auditors without permission from the NAO.

The AGNs are designed to assist local auditors in forming their own understanding of the requirements of the Code. Auditors are required to have regard to AGNs, which means that they must take into account the guidance issued by the NAO, and, if they decide not to follow it, they must give clear (in the sense of objective, proper, and legitimate) reasons within audit documentation as to why they have not followed the guidance. AGNs are in no way intended as a substitute for the exercise of the independent professional skill and judgement of a local auditor in deciding how to apply the NAO's guidance or when providing explanations as to why guidance has not been followed.

Local auditors should not assume that AGNs are comprehensive or that they will provide a definitive answer in every case.



AGN 06 is relevant to all local auditors of local government bodies covered by the Local Audit and Accountability Act 2014 and the *Code of Audit Practice*. Guidance on auditors' work on value for money arrangements and on reporting is published in *AGN 03 – Auditors' Work on Value for Money Arrangements* and *AGN 07 – Auditor Reporting* respectively.

## Introduction

The guidance within this document is prepared to assist auditors in meeting their responsibilities as the statutory auditor of local government bodies, under the Code of Audit Practice. This AGN sets out guidance for auditors to support planning work on the audits of financial statements of local government bodies. The NAO will issue other supporting information through the WAC to assist auditors during the year.

This guidance does not cover the specific considerations related to the backstop dates and the reset and recovery process in local government. Those issues are covered in the Local Audit Recovery and Reset Implementation Guidance (LARRIG) that are issued separately.

As part of their planning process, audit teams identify changes to accounting requirements drawing on any relevant technical briefings prepared by their firms. This guidance is not intended to replace auditors' own procedures.

When considering the planning issues highlighted in this AGN, auditors should be mindful that audits under the Code of Audit Practice are integrated audits. Auditors should therefore consider the extent to which any issues highlighting risks to the opinion on the financial statements, or which suggest that non-standard reporting may be necessary, impact on their risk assessment and any additional work required to inform their commentary on arrangements to secure VFM under AGN 03. Auditors will wish to be aware that guidance on going concern is now set out in *SGN 01 – Going Concern – Auditors' responsibilities for local public bodies*.

Auditors should also consider whether it is appropriate to draw attention to any issues arising from their work under AGN 03 or AGN 06 by exercising their additional public reporting powers, such as making statutory recommendations or issuing public interest reports. Further guidance on relevant considerations when exercising additional powers can be found in *AGN 04 – Auditors' Additional Powers and Duties*.

Local auditors are also component auditors. The NAO Whole of Government Accounts (WGA) group audit team issues a group instruction which local auditors need to follow. The group instruction sets out requirements for local auditors to assist the NAO group audit team in meeting its responsibilities supporting the C&AG as the statutory auditor for the WGA.

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## Section 1: Statutory Requirements

### Reminder about the chief financial officer's section 114 and other responsibilities

#### What is the issue?

1. The continuing financial pressures within local government have been widely publicised, for example there have been fourteen Section 114 notices issued (at eight authorities) since 2018. As of April 2024, seventy-four authorities (or nearly one fifth) were receiving government support or intervention, including authorities that have agreed arrangements with the Ministry of Housing, Communities & Local Government (MHCLG) for financial support, received statutory direction from the Department for Education (DfE) or one of ten councils subject to direct intervention.
2. Where MHCLG is providing direct financial support this is via the Exceptional Financial Support framework in the form of capitalisation directions. In 2024-25 MHCLG has agreed to provide nineteen councils with £1.5bn in capitalisation directions to help manage financial pressures.
3. The NAO has examined the financial pressures in our report [Financial sustainability of local authorities 2018 and subsequently in our 2021 data visualisation tool](#). A further report on local government financial sustainability will be published in 2024-25. Local authorities continue to face a range of new demands and cost pressures leading to overspends and having to draw on reducing reserves. There is an increasing risk of more authorities not being able to set a balanced budget.
4. Under [Section 114 of the Local Government Finance Act 1988](#) the chief financial officer (section 151 officer) is required to report, following consultation with the authority's monitoring officer, to all the authority's members if they believe that expenditure is likely to exceed incoming resources (after accounting for use of reserves). When issuing such a report (sometimes referred to as a 'section 114 notice') the section 151 officer is required to copy it to the external auditor.
5. Authorities are required by [Section 32 of the Local Government Finance Act 1992](#), and in particular section 32(4), to set a balanced budget. However, growing financial pressures within the local government sector mean that there continues to be a risk that section 151 officers may need to consider whether they are required to act under section 114 of the 1988 Act. [Section 25 of the Local Government Act 2003](#) also requires chief financial officers as part of the budget setting process to report upon the robustness of the estimates used in budget calculations and the adequacy of proposed financial reserves. Such reports provide an insight into management's view of the financial position of a local authority.

### Why is this important?

6. A report by a section 151 officer under section 114 will have significant consequences. Where the issue is a real or potential unbalanced budget, CIPFA's [Guidance on the role of the Chief Financial Officer](#) recommends that the section 151 officer consults the external auditor to help determine how to proceed. A critical report under section 25 should be of concern to the auditor.
7. Local auditors also have a range of reporting powers and responsibilities which need to be considered where the matter of a real or potential unbalanced budget arises, if there is some form of government intervention, or if chief financial officers are reporting concerns under section 25. In addition, the auditor has responsibilities under the Code of Audit Practice in relation to a local authority's value for money arrangements.

### What should auditors do?

8. Auditors will want to take account of the impacts of the local government settlement on individual councils and where there is the risk of a potential unbalanced budget auditors should liaise with the section 151 officer to inform consideration of possible actions, recognising their respective roles and responsibilities. This should include consideration of the potential actions the section 151 officer can take as outlined within CIPFA's guidance.
9. The auditor also has several relevant reporting powers and responsibilities under the [Local Audit and Accountability Act 2014](#) (the Act). Under Section 29 and Schedule 8 of the Act the auditor may issue an advisory notice in relation to such a matter. The issue of an advisory notice is a rare occurrence. If auditors determine that an advisory notice may be an appropriate course of action, they should contact the LACG team at NAO for further advice.
10. Auditors should engage with the section 151 officer regarding consequent courses of action should the section 151 officer's actions not be successful in averting an unbalanced budget.
11. Auditors should also consider the impact of the authority's actions in discharging their responsibilities in relation to VFM arrangements.

## Section 2: Developments in the Financial and Operating Environment

### Commercialisation

#### What is the issue?

12. As authorities have sought ways of generating income in constrained financial circumstances, the scale of investment activity, primarily in commercial property, has increased significantly in recent years. There has also been some s114 Notices related to failures of subsidiaries set up for property investment and other arrangements that were funded by large scale PWLB borrowing.

13. The 2020 NAO Report on [Local Authority investment in commercial property](#) estimated that between 2016-2019 local authorities spent £6.8bn on commercial property. Local authorities can be significant investors in this sector, with them making 17 per cent of all commercial property acquisitions in the southeast between 2016-2019. However, the scale of investment activity differs significantly between authorities, for example, 48 out of 353 authorities accounted for 80 per cent of commercial spending between 2016-2019.

14. These activities are often discharged via a company, partnership, or other investment vehicle. However, the nature and scale of commercial investments appears to be changing. For example, there are more joint ventures being entered into with asset-backing arrangements as opposed to the more traditional debt-backed schemes.

#### Why is this important?

15. The scale and nature of authorities' commercial activity brings potential risks to the auditor's commentary on VFM arrangements and the opinion on the financial statements. The former covers the reasonableness of decision making, including the relevant risk assessment, appropriate skills of the authority and the appropriateness of advice, which is covered in more detail in AGN 03.

16. In the preparation of the financial statements authorities will need to ensure that their commercial activity is presented in a true and fair manner, in compliance with the Accounting Code and statutory framework, including the [Local Authorities \(Capital Finance and Accounting\) \(England\) Regulations 2003](#), as amended (Capital Finance Regulations), and the [Minimum Revenue Provision Guidance](#). Authorities will need to consider the impact on both the single entity financial statements and the need to prepare group accounts.

17. Authorities, where they are borrowing to finance these activities, will need to ensure they have regard to CIPFA's [Prudential Code for Capital Finance in Local Authorities](#) (Prudential Code). Where these activities are held as an investment the authority must have regard to CIPFA's [Treasury Management Code](#) and MHCLG's [Statutory Investment Guidance](#).

18. CIPFA's Prudential Code 2021 clarifies that local authorities are not permitted to borrow primarily for financial (commercial) return. The Code includes a definition of commercial property, requires that any commercial investments be proportionate and includes a revised definition of investments (to include non-financial assets held primarily for financial return).
19. CIPFA's Treasury Management Code includes the definition of treasury management which explicitly includes borrowing and the reporting of service and commercial investments in appropriate categories, as well as treasury management ones.
20. MHCLG's Statutory Investment Guidance remains in force. In relation to commercial activity this guidance requires that authorities:
- disclose the contribution that investments make *"towards the service delivery objectives and/or place making role of the local authority"*;
  - must not *"borrow in advance of need"* to profit from the investment of the sums borrowed. This requirement covers non-financial investments (e.g. investment in commercial property that is solely commercial) rather than just financial investments. This broader interpretation is based on application of all parts of the prudential framework, including the two CIPFA codes. In the past, investments in commercial property would have counted solely as capital expenditure and so could have been funded from borrowing; now this will only apply where the council can justify that the investment is not wholly commercial; and
  - if exceptionally they do borrow in advance of need for profit must set out the reasons for their non-compliance in the strategy and their risk management arrangements.
21. Authorities can often make the argument that borrowing to invest in commercial property in their local area is undertaken as part of their wider powers and duties and therefore not solely for profit. However, 39 per cent of local authority property acquisitions between 2016-2019 were made outside of the local authority boundary which is likely to make them commercial in nature. Where these have been funded by borrowing authorities should comply with the requirement of the statutory investment guidance to disclose non-compliance with the Code.
22. Additionally, MHCLG's Minimum Revenue Provision (MRP) guidance makes clear that MRP should be charged on investments funded by borrowing.
23. Other areas of accounting risk arising from increased levels of commercial activity are that authorities:
- may have an incentive to manage their balance sheet position to be able to undertake additional borrowing within their approved limits; and



- take on liabilities across the group which are not transparently reflected in the financial statements.

### What should auditors do?

24. Auditors, when considering their commentary on VFM arrangements, may need to assure themselves that schemes have been entered into following appropriate legal and financial advice, having regard to Wednesbury principles of reasonableness. While the general power of competence has made it easier for authorities to undertake commercial activity, this power does not override the need for authorities to comply where there is already an existing legal duty, for example, compliance with the Capital Finance Regulations.

25. Auditors should ensure that they are aware of the requirements of the Prudential and Treasury Management Codes. Auditors should engage with their authorities regarding the Prudential and Treasury Management Codes and consider the implications of the capital strategy for their audit and the consistency of disclosures within the financial statements.

26. Auditors should be aware of the impact of MHCLG's Investment Code, particularly on the reporting of authority commercial investment activity. Where an authority has borrowed in advance of need for profit, auditors should consider both the compliance requirements and the implications of wider public law. Auditors will need to consider the impact of this on their commentary on VFM arrangements, the opinion on the accounts and any potential use of their wider reporting powers.

27. Auditors should be mindful of any incentives to achieve a particular balance sheet position that arise from an authority's commercial activities when planning their audit work. Auditors should also have regard to the guidance contained within this AGN regarding accounting for guarantees to other entities (paragraphs 73-79) and on the MRP (paragraphs 28-34).

## Revising the Minimum Revenue Provision

### What is the issue?

28. Regulation 28 of the [Local Authorities \(Capital Finance and Accounting\) \(England\) Regulations 2003](#) (2003 Regulations), as amended, requires local authorities to set aside a prudent amount of Minimum Revenue Provision (MRP). MHCLG has issued updated [Minimum Revenue Provision Guidance](#) which applies from 1 April 2025 except for paragraphs 74 to 77 (credit loss and impairment), which apply from the commencement of regulation 28(2) and (3) that being 7 May 2024.

29. Authorities, under the MRP guidance, must make an annual statement setting out their prudent MRP policy for the year which is approved by elected members.



### Why is this important?

30. The MRP duty has become more complex and that some local authorities may still look for practices to underpay MRP. [The Levelling Up and Regeneration Act 2023](#) provides the government with additional powers to take direct action where local authorities take excessive risk with borrowing and investment, based on a set of risk metrics. These include a risk metric to assess whether local authorities are making sufficient provision to repay debt (i.e. MRP).

31. The updated regulations and guidance provide important clarifications to how MRP should be calculated that addresses some of the issues that authorities have reported with the historic undercharging of MRP.

32. The Regulations now prevent the common practices by which local authorities avoid MRP: using the proceeds from asset sales ('capital receipts') in place of the revenue charge; and, not making MRP on debt used to finance the acquisition of assets that are investments using the argument that the assets would accumulate or retain value. The exception to this is capital loans used to provide housing and the guidance now clarifies the conditions where such loans can be excluded from the duty to make MRP.

33. Under the Regulations, where a local authority makes a new loan to another entity on or after 7 May 2024, if at any time the local authority recognises a 'credit loss' whereby part or all that loan will not be repaid, then it must include an MRP charge equal to that loss in full, in the year it occurs (less any permitted reductions).

### What should auditors do?

34. Auditors should determine whether authorities have complied with the 2003 Regulations and the revised MRP guidance when authorities review their MRP policy.

## Capital Receipts Flexibility

### What is the issue?

35. In December 2017, MHCLG issued updated guidance on the use of [Capital Receipt Flexibilities](#). In April 2022, MHCLG extended the scheme for 3 financial years from 2022-23 to 2024-25 for councils to use capital receipts to fund transformation projects that produce long-term savings or reduce the costs of service delivery.

36. Local authorities can use capital receipts arising from the disposal of assets to flexibly fund revenue costs of service transformational projects. There is a requirement to

have a plan for approval by Council of the projects to be funded, and in subsequent years to set out whether that plan has been met.

37. In August 2022 MHCLG revised the guidance on the use of [Capital Receipt Flexibilities](#) to restrict councils from using receipts from the sales of assets if they are sold to an entity within the council's group, for example, a subsidiary, joint venture or otherwise associated company.

### Why is this important?

38. Some authorities have relied on the capital receipts flexibility to help balance their budget and in doing so have overestimated the level of receipts that they were likely to obtain. Other authorities have tried to use the flexibility to repay reserves used to fund transformational projects with capital receipts that have been raised subsequently.

39. With pressure to find revenue funding authorities may incorrectly apply the guidance to apply capital receipts for a revenue purpose contrary to the requirements of the current Capital Finance Regulations, especially as they are amended from time to time.

### What should auditors do?

40. Where an authority has sought to use the flexibilities auditors should determine whether the authority has complied with the [Capital Receipt Flexibilities](#) guidance that applies to the relevant financial year. Where a project is being funded across several years, auditors should review the strategy to consider the reasonableness and realism of the capital receipts assumptions on which the authority intends to rely. Auditors should be alert to the risk that authorities may misapply the flexibility to convert ineligible capital receipts to support their general fund expenditure.

## Combined authorities and other devolution deals

### What is the issue?

41. The [Cities and Local Government Devolution Act 2016](#) (the 2016 Act) provides the legal framework for the implementation of devolution deals with combined authorities and other areas. A combined authority (CA) is a statutory body that enables a group of two or more councils to collaborate and take collective decisions across council boundaries to improve the delivery of public services and functions. CAs may be set up by two or more local authorities. Under the 2016 Act these authorities no longer need to be adjacent and can be in different county areas.

42. A council or group of councils may recommend the creation of a CA, which would then need to be approved by the Secretary of State, by order. Alternatively, the Secretary of State may decide to establish a CA, if the councils in the relevant area give their consent. The creation of a CA means that member councils can take advantage of additional powers and resources devolved to them from national government.

43. CAs are established by statutory orders from MHCLG. The timetable for laying orders is linked to the progress of negotiating and agreeing local arrangements for each area. This can therefore lead to the possibility of part-year accounts. More detailed provisions covering accounting arrangements in such circumstances would be included within the relevant order.

44. In London, where the creation of CAs is not permitted, the Localism Act 2011 allows the Mayor of London to create mayoral development corporations (MDC) in Greater London to promote the regeneration of an area. There are two mayoral development corporations in London:

- London Legacy Development Corporation (LLDC), established in 2012, replacing the Olympic Park Legacy Company; and
- Old Oak and Park Royal Development Corporation, established in April 2015.

45. Devolution deals negotiated so far have mostly involved transfer of powers over services such as business support, further education and skills funding, transport budgets and land management. A CA will have close working relationships with other bodies and third parties. This could include Local Enterprise Partnerships (LEPs) – which are private sector-led voluntary boards of business people and council representatives.

### **Why is this important?**

46. CAs need to ensure their governance arrangements are sufficient to meet their new and expanding roles, and to monitor the performance and delivery of services and act as appropriate. The 2016 Act requires all CAs to establish at least one overview and scrutiny committee and an audit committee. The Secretary of State may make provision about the overview and scrutiny committee, including the membership, the voting rights of members, the chair, and the publication of reports.

47. All CAs can be funded by their constituent councils through a levy. This is a shift in funding from the constituent councils that make up the CA to the authority. It is not a means of raising additional resources. CAs with elected mayors can raise additional resources through a precept (or additional charge) on local council tax bills, but only where the order establishing them allows them to do so. Where the mayor is also the police and crime commissioner (PCC) and raises a precept in that role, the funds must be kept separate, and the PCC precept must be spent on policing.

48. All CAs will have the power to borrow money under the local government prudential borrowing regime, but the order establishing the authority must specify the purposes for which the money may be borrowed.

49. Many devolution deals include the retention of local business rate growth above an agreed threshold. Elected mayors of CAs will also be able to increase business rates by up to two pence in the pound if the relevant LEP agrees. Some devolution deals also include other devolved resources including, for example, a housing investment fund to support lending to housebuilders.

### **What should auditors do?**

50. Where a CA has been established or proposed auditors should consider the arrangements to inform their high-level planning. Where a council is considering becoming part of a CA the auditor should ensure they understand the likelihood, process and proposed timeline for implementation of new arrangements and systems.

51. Understanding the funding arrangements that are planned or in place at an authority, and the accounting systems to support them, should inform the auditor's planning.

52. Auditors should consider the accounting and disclosure requirements, for example, where the functions of an authority are being transferred to a CA or devolution-type deal. In addition, auditors should consider the likelihood of these deals coming into effect after the balance sheet date, the possibility of post balance sheet events, and whether there will be any requirement for part-year accounts.

## Section 3: 2024-25 Local Government Accounting Issues

### 2024-25 Local Government Accounting Code

#### What is the issue?

53. The 2024-25 Accounting Code includes:
- mandatory adaption of IFRS 16 Leases;
  - narrative report can include where there is a risk that a S114 report may be issued;
  - changes to the IFRS treatment of sale and leaseback arrangements; and
  - specifying the treatment on initial application of IFRS 16 where service concession arrangements provide for variable payments that depend on an index rate.

#### Why is this important?

54. Where material, these changes to the Accounting Code will have implications for local government bodies.

#### What should auditors do?

55. Auditors should be aware of these issues and their impact on local government bodies to support their audit planning work under *ISA (UK) 300 (Revised June 2016) (Updated May 2022) Planning an Audit of Financial Statements*, and *ISA (UK) 315 (Revised July 2020) Identifying and Assessing the Risks of Material Misstatement*.

### IFRS 16 Leases

#### What is the issue?

56. The new leasing standard *IFRS 16 Leases* will replace IAS 17. Implementation under the Accounting Code will be for 2024-25. Authorities may have adopted the standard sooner if they were able to.
57. The new standard eliminates the distinction between operating and finance leases for lessees and brings in a single approach under which all but low- value or short term (less than 12 months) leases are recognised. The distinction between operating and finance leases for lessors is maintained.
58. Successful implementation of the new standard will depend on authorities collating and reviewing relevant information about their new and existing leases. This will require a significant exercise to collect and analyse relevant information and authorities will need to have an effective project plan and timetable to prepare for implementation on a timely basis.

59. Authorities will need to:

- have arrangements for capturing information on leases and contracts; and
- recalculate lease liabilities for arrangements that have variable elements such as index-linked increases (which is likely to include most PFI contracts).

### Why is this important?

60. The standard is likely to lead to significant changes to lessees with all major leases coming onto the balance sheet as well as additional disclosures. This includes a disclosure objective which gives a basis for users of financial statements to assess the effect that leases have on the financial position, financial performance and cash flows of the lessee and lessor. There are additional disclosures for the right-of-use asset, depreciation charges and interest expense on the lease liabilities and disclosures on the exemptions for recognition (i.e. low value and short-term leases).

61. Authorities will need to consider the implications for their own financial reporting and supporting arrangements as they prepare for the standard to come into effect in the 2024-25 Accounting Code.

### What should auditors do?

62. Auditors should be aware of IFRS 16 and its impact on authorities to support their audit planning work under *ISA (UK) 300 (Revised June 2016) (Updated May 2022) Planning an Audit of Financial Statements*, and *ISA (UK) 315 (Revised July 2020) Identifying and Assessing the Risks of Material Misstatement*.

63. Auditors should discuss with their bodies the implications for their financial reporting.

## Dedicated Schools Grant – negative reserve

### What is the issue?

64. Local education authorities receive Dedicated Schools Grant (DSG) from the Department for Education (DfE), which is a ring-fenced grant to fund schools. Authorities are required to keep a separate reserve to show any unspent DSG. DfE clarified in 2018-19 that this reserve could not be netted off with schools' balances. For some authorities the DSG reserve is now negative, meaning that the authority has spent more than the grant it has received. DfE has issued guidance on how authorities should plan to move back into a surplus position over a three-year period.

65. In summer 2019 CIPFA and the DfE issued a joint statement on DSG for financial reporting purposes. The statement confirms that there is no statutory basis for having a negative earmarked DSG reserve. The statement also confirms that the guidance in [LAAP Bulletin 99: Local Authority Reserves and Balances](#) remains extant, including that the Accounting Code *“neither anticipates nor allows for a voluntary earmarked balance to be presented in a deficit position”*.

### Why is this important?

66. DfE updated the conditions of grant and introduced a statutory requirement that any DSG deficit cannot be funded from general fund.

67. The [School and Early Years Finance \(England\) Regulations 2020](#) require that a DSG deficit must be carried forward to be dealt with from future DSG income, unless the Secretary of State authorises the authority not to do this. These arrangements applied for setting the authority’s budget and mean that a DSG reserve in deficit cannot be funded from the general fund. The same provisions were included in subsequent regulations and will continue to appear in future so that LAs can continue to carry deficits forward from year to year.

68. MHCLG has issued the [Local Authorities \(Capital Finance and Accounting\) \(England\) \(Amendment\) Regulations 2020](#) statutory instrument to amend [Local Authorities \(Capital Finance and Accounting\) \(England\) Regulations 2003](#) (the 2003 Regulations). These provisions have been extended until 2025-26.

69. The instrument amends the 2003 Regulations by establishing new accounting practices in relation to the treatment of local authorities’ schools budget deficits such that where a local authority has a deficit on its schools budget relating to its accounts for a financial year beginning on 1st April 2023, 1st April 2024 or 1st April 2025, it must not charge the amount of that deficit to a revenue account. The local authority must record any such deficit in a separate account established solely for the purpose of recording deficits relating to its school’s budget. The accounting practice has the effect of separating schools budget deficits from the local authorities’ general fund for a further period of three financial years.

70. Authorities need to agree a recovery plan with DfE for any deficit on their DSG funding. Currently the requirement from DfE is that deficits are recovered within a three-year period.

### What should auditors do?

71. Auditors should consider how authorities have complied with these statutory changes in respect of both the financial statements and for budget setting.



72. Auditors will also wish to consider whether the reasonableness of DSG deficit recovery plans should be reported as part of their commentary on VFM arrangements.

## Pension guarantees to other entities

### What is the issue?

73. Authority group structures are becoming more complex as authorities enter varied joint arrangements, both because of the outsourcing of existing service delivery and their increasing commercial activity. In doing so, authorities have offered certain guarantees to newly established bodies, for example, offering guarantees in respect of increased pension liabilities for staff transferred to a subsidiary under Transfer of Undertaking (Protection of Employment) (TUPE) arrangements.

### Why is this important?

74. Some authorities are disclosing these guarantees as contingent liabilities. However, where there are contractual arrangements in place the guarantee may fall outside the scope of *IAS 37 Provisions, Contingent Liabilities and Contingent Assets*, requiring treatment either as an insurance contract under *IFRS 4 Insurance Contracts* or a derivative financial liability under *IFRS 9 Financial Instruments (2014)*. Either of these options may bring the liability onto the balance sheet and would correspondingly impact the CIES and the General Fund balance. The debit to the CIES would not be covered by a statutory override and therefore could have a significant cost for taxpayers.

### What should auditors do?

75. The appropriate accounting treatment of any arrangement issued by an authority will depend on the specific obligations entered into by the authority. Where appropriate, management will need to make a judgement about whether the arrangement transfers significant non-financial risk or financial risk to the authority. Where the guarantee takes the form of a contractual obligation, this will fall outside the scope of IAS 37 and therefore should not be treated as a contingent liability.

76. If under a contractual arrangement the non-financial risk transferred to the authority is predominant, then a judgement that the guarantee is within the scope of IFRS 4 is acceptable. IFRS 4 is not explicit on measurement but does refer to IAS 37 measurement principles. In the context of a pension liability these risks may be, for example:

- changes in life expectancy or final salaries of members;
- changes in the numbers or balance of active deferred or retired members; and
- changes in the age profile at which members take benefits.

77. If financial risk is the predominant risk, for example deriving from the ability of a subsidiary to pay contributions into a pension scheme or the performance of plan investments, then treatment as a derivative financial liability under IFRS 9 is acceptable. Under the Accounting Code this would be accounted for at fair value through profit and loss. Fair value of this liability may require the advice of an expert in the absence of any market-based data to base a valuation on, or use of a technique like discounted cashflows.

78. Auditors will need to consider such guarantees on a case-by-case basis, taking account of management's judgement of the balance between financial and non-financial risk. Where there is a risk of material misstatement auditors should review the nature of specific arrangements and review relevant agreements to determine the appropriate treatment and disclosures (including accounting policy) in discussion with management.

79. Where an authority seeks to apply a statutory override in respect of charges in the accounts which do not derive from IAS 19, auditors should request that the authority provides an explanation of the basis on which statutory accounting adjustments can be applied, including any relevant legal advice.

## Surpluses and IFRIC 14

### What is the issue?

80. IFRIC 14 addresses the extent to which an IAS 19 surplus can be recognised on the balance sheet and whether any additional liabilities are required in respect of onerous funding commitments. Due to the improvement in IAS 19 funding levels, there may be more (or greater) surpluses arising within entities' accounts as at 31 March 2025. More detail can be found in the annual PwC report on IAS 19 assumptions for the Local Government Pension Scheme and in [CIPFA Bulletin 15](#).

### Why is this important?

81. It is important that bodies and their actuaries treat the calculations under IFRIC 14 in a consistent manner. Discussions have taken place with auditors, CIPFA and actuaries to agree on a consistent approach across the sector.

82. Auditors should be aware of the impact of the following points:

- Local Government Pension Scheme (LGPS) can be assumed to exist in perpetuity.
- Available surpluses can be recovered by lower future contributions rather than by way of refunds.

- Both primary and secondary contributions as set out in actuarial Rates & Adjustments certificates are ‘minimum funding requirements’ for the LGPS.
- Primary contributions are for future service and whatever the contributions for year three (as at the reporting date) can reasonably be assumed to carry on in perpetuity. This is consistent with an aim of stabilising contribution rates. This is the case even given current expectations of reductions in primary contributions at the next funding valuation, and where service costs exceed primary contribution rates.
- Secondary contributions, if negative, should be taken as reducing the primary contributions over the funding horizon as stated by the actuary, not in perpetuity.
- Unless there are specific circumstances suggesting otherwise, if an actuary calculated an asset ceiling and assumed secondary contributions continued in perpetuity in a previous year, this would be deemed an error and, if material, would require a Prior Period Adjustment.
- Annuity perpetuity factors are derived from the difference between discount rates and salary increase expectations and perpetuity factors ranging from 66.7 to 149.5 are not unreasonable for the LGPS.
- The amount of any IAS 19 surplus recorded on the balance sheet should be the amount of the ‘available economic benefit’, which is the present value of future service costs, less the present value of future service contributions (with a floor of zero).
- If there are positive secondary contributions, this may lead to the need to recognise an additional onerous liability – regardless of whether there is an initial IAS 19 net asset or net liability.
- If IFRIC 14 was not considered in a previous year this could lead to a prior period adjustment on the basis of error, if the impact is material.
- The fact the CIPFA Code refers to considering IFRIC 14 when there is an IAS net asset but is silent on the matter when there is an IAS 19 net deficit does not mean that there is an adaptation to IFRIC 14 in the Code such that IFRIC 14 is only relevant in a net asset scenario. Update to the Code in this area, in the short term, is not realistically feasible for the reasons discussed at the meeting.

**What should auditors do?**

83. Auditors should be aware of the above agreed approaches and be discussing with their authorities how they are calculating and accounting for any surpluses under IFRIC 14. Further material will be available for auditors to consider as part of the PwC reporting on IAS 19 assumptions for 2024-25.

## Section 4: Developments Impacting on Police and Fire Bodies

### The Policing and Crime Act

#### What is the issue?

84. The [Policing and Crime Act 2017](#) introduced measures to allow for changes to the structure and legal status of police bodies and fire and rescue authorities (FRAs), including county councils with fire and rescue responsibilities. Under the Act there is a statutory duty to collaborate at a local level to *'enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners'* (PCCs).

85. The Act also:

- gives a duty to collaborate on all three emergency services;
- enables PCCs to take on FRA functions where a local case is made (including county councils with fire and rescue responsibilities);
- enables PCCs to create a single employer for police and fire staff; and
- where PCCs do not become responsible for fire and rescue, enables representation on the FRA with voting rights where the FRA agrees.

86. The boundaries of the PCC's police area and those of the proposed PCC-type FRA(s) when taken together must be coterminous. The Home Office has stated that the Act enables the PCC to become the FRA for a given area but does not merge the office of the PCC and FRA into one; the FRA remains a separate legal entity.

#### ***Governance models under the Policing and Crime Act***

87. There are three different models in the Act that PCCs may adopt: the 'governance' model; the 'single employer' model; and the 'representation' model.

#### *Governance model*

88. The governance model enables PCCs to take on responsibility for the fire and rescue service(s) in their area. The government's intention is that this provides more direct accountability to the public and accelerate local collaboration.

89. The PCC takes on the functions and duties of the fire and rescue service for the area. The police service and fire and rescue service remain two distinct organisations and the person who is elected to be the PCC is classified as two separate corporations sole.

90. The PCC in their capacity as the FRA is the employer of all fire and rescue staff, but in practice, a chief fire officer, under arrangements made by the PCC, continues to have operational responsibility.

91. The chief constable employs police staff and has direction and control over police officers.

#### Single employer model

92. The single employer model enables a PCC who has taken on responsibility for fire and rescue services to take an additional step to delegate fire functions to a single chief officer for policing and fire. This can be either a police or fire officer.

93. Under this model the PCC appoints a chief officer who is accountable to the PCC for both fire and policing and employs both police and fire personnel. In practice, the chief officer appoints a senior fire officer to lead fire operations and a deputy chief constable to lead police operations, under their command. Legally, the chief officer is known as the chief constable.

#### Representation model

94. Where the PCC has not taken on responsibility for fire and rescue services but wishes to enhance collaboration opportunities between police and fire, the Act provides for representation on local governance arrangements.

#### ***Funding arrangements under the Policing and Crime Act***

95. Where an FRA becomes a PCC-type FRA, the following funding arrangements apply:

- there continues to be two separate precepts and two separate central funding streams for policing and fire; and
- a new fire fund is established and held by the PCC as FRA mirroring the existing arrangements for the police fund.

96. Under the 'governance' model, funding is paid to the PCC for the two services in separate funding streams. The PCC sets two precepts: one for fire, and one for police. The money spent on each service needs to be accounted for separately. It is possible for police or fire funds to be spent on matters of joint benefit, for example, shared back-office functions, but funding is only able to be allocated for the purposes for which it was paid.

97. Under the 'single employer' model, the PCC provides two separate budgets to the chief officer, which the chief officer needs to account for separately.

### **Why is this important?**

98. There is no set timetable for changes to local arrangements, where the PCC has sought to take over the governance of one or more FRAs. It is therefore possible that PCC-type FRAs could continue to be established at any time.

99. Where a county fire and rescue service becomes a PCC-type FRA, the way the new body operates in practice could have an impact on the accounting requirements. For example, the consolidation implications where an FRA falls within the control of the PCC.

### **What should auditors do?**

100. Auditors should be aware of any changes being considered in their area to inform their high-level planning. Where bodies are considering implementation auditors should consider what additional disclosures may be necessary for the financial statements.



## Section 5: Look Ahead to Further Accounting and Audit Developments

### Local audit programme for reset and recovery

#### What is the issue?

101. The government has taken action to implement a programme to achieve the reset and recovery of the local audit system. As a first step it has obtained Parliamentary approval for the [Accounts and Audit \(Amendment\) Regulations 2024](#). These are part of a wider set of actions on which it has worked with other relevant stakeholders. These include certain commitments from the FRC and ICAEW on quality inspection activity for the affected periods. The actions also include the development by the C&AG of a new Code of Audit Practice.

102. The new Code is supported by a new suite of guidance called Local Audit Reset and Recovery Implementation Guidance (LARRIGs). These have been co-developed with the FRC and the FRC has endorsed them as being consistent with International Standards on Auditing (ISAs). The programme for reset and recovery will involve several audit cycles and the need for further guidance will be kept under review.

103. The new regulations and the new Code provide a route for accounts preparers and auditors to work together to achieve statutory deadlines for the publication of audited accounts. The first deadline for all financial years up to 2022-23 is the 13 December 2024. The next deadline falls on 25 February 2025 for the 2023-24 financial year. Auditors are reminded that paragraph 2.13 of the 2024 Code sets out limited exemptions from the requirement to issue an audit opinion in time for bodies to publish audited accounts by the statutory publication date. Achieving the deadlines will require close co-operation between accounts preparers and auditors to ensure that all necessary processes such as the inspection period for accounts are completed. Accounts for the period up to 2022-23 that were not published before 31 October 2024 cannot complete the 30-day inspection period ahead of the first statutory deadline on 13 December 2024.

104. Auditors will wish to be aware that MHCLG has written to local authorities yet to publish all their accounts up to 2022-23 and explained the consequences for them of not achieving the statutory deadline.

105. Alongside the accounts related changes in the new Code a set of provisions have been introduced relating to the auditor's duties in relation to arrangements to secure value for money. These include a reduced scope in VFM arrangements for 2020-21 to 2022-23; a combined commentary for audit years up to and including 2022-23 and statutory deadlines for the auditor's annual report. Guidance is set out in AGN 03 and AGN 07.

106. CIPFA has announced a relaunch of its Better Reporting Group (see more [here](#)) aiming to enhance the user's experience of the accounts. Changes to the reporting framework would naturally have consequences for the audit of local authority accounts.

107. Alongside the programme for the reset and recovery of local audit the government is considering its long-term plans for local audit.

#### **What should auditors do?**

108. Auditors should continue to engage with the programme for reset and recovery through the usual mechanisms of the NAO's Local Auditors' Advisory Group, the Local Government TechNet and the new LARRIG query system. In addition auditors will be aware of and should engage with the FRC when using the new FRC Escalated Reporting Framework.

109. The FRC has also published an [Local Audit Backlog Rebuilding Assurance](#) accessible explainer. Auditors should consider making sure that bodies under audit are aware of this publication.

110. Auditors should work with account preparers to ensure that all necessary processes are planned for and in place to enable the first and second statutory deadlines to be achieved. Auditors should ensure that they understand and have regard to the LARRIGs and where necessary raise queries on them as soon as possible to enable system leaders to work together to address them quickly.

111. Auditors should have regard to the relevant statutory guidance relating to their duties in relation to value for money arrangements as well as any other relevant statutory guidance.

112. Auditors should also keep themselves informed of developments in the programme and the wider environment.

## **Devolution and single funding settlements**

#### **What is the issue?**

113. The government announced a Devolution Bill in the King's Speech. The Bill aims to 'give new powers to metro mayors and combined authorities'. A white paper on the bill is expected later this year.

114. The government has announced a programme of out single funding settlements to mayoral combined authorities in 2025-26 and 2026-27.

#### **What should auditors do?**

115. Auditors should keep themselves informed of developments in relation to the government's devolution plans and the implementation of single funding settlements.

## Other Support and Raising Technical Issues or Queries on this AGN

116. Auditors in firms should raise queries within the firm, in the first instance, so that the relevant technical support service can consider whether to refer queries to the NAO's Local Audit Code and Guidance (LACG) team by e-mailing [LACG.queries@nao.org.uk](mailto:LACG.queries@nao.org.uk).

117. Information supporting auditors is available on the LACG extranet. This includes details of third-party reports and information. Copies of third-party information will also be available on the LACG extranet following issue. Updates will be communicated through the Weekly Auditor Communication (WAC). If there is a need for further statutory guidance during the year, the NAO may issue an addendum to this AGN.

118. The NAO also engages with the firms through LAAG and supporting technical networks to consider any emerging regime-wide technical issues on a timely basis. Auditors should follow their in-house arrangements for bringing significant emerging issues to the attention of their supplier's representative on LAAG or the relevant technical network.