COUNCIL ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all smaller relevant bodies, including drainage boards and other smaller authorities.

The basic position

The Local Audit and Accountability Act 2014 (the Act) governs the work of auditors appointed to councils and other local public bodies. The Act and the Accounts and Audit Regulations 2015 also cover the duties, responsibilities and rights of councils, other organisations and the public concerning the accounts being audited. As a local resident, or an interested person, you have certain legal rights in respect of the accounts of local councils. As an interested person you can inspect a council's accounts and related documents. If you are a local government elector for the area to which the accounts relate you can also ask questions about the accounts and object to them. You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the council form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

The right to inspect the accounts

Any interested person can inspect the accounts, which includes but is not limited to local electors. You can inspect your council's accounts, any related documents, and 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. 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. 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.

When councils 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 'period for the exercise of public rights', during which you can exercise your statutory right to inspect the accounts. Councils must tell the public, including advertising this on their website, that the accounts and related documents are available to inspect. By arrangement you will then have 30 working days to inspect and make copies of the accounts. You may have to pay a copying charge. The 30 day period must include a common period of inspection during which all councils' accounts are available to inspect. This will be 1-14 July 2016 for 2015-16 accounts. The advertisement must set out the dates of the period for the exercise of public rights, how you can communicate to the council 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.

The right to ask the auditor questions about the accounts

Anybody can ask a question, but only local electors can ask questions formally. **You should first ask your council** about the accounts. If you are a local elector, your right to ask questions of the external auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do 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). Give your council 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 external 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 period for the exercise of pubic rights, so let the external auditor know your concern as soon as possible. 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 ask someone to represent you when asking the external auditor questions.

Before you ask the external auditor any questions, 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 council other questions about their accounts for any year, at any time. But these are not questions under the Act.

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

The right to object to the accounts

You have inspected the accounts and asked your questions. Now you may wish to object to the accounts on the basis that an item in them is in your view unlawful or there are matters of wider concern arising from the Council's finances. A local government elector can ask the external 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. You must tell the external auditor which specific 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 about it. You must provide the external auditor with the evidence you have to support your objection. Disagreeing with income or spending does not make it unlawful. To object to the council's accounts you must write to the external auditor stating you want to make an objection, including the information and evidence below and you must send a copy to the council. The notice must include:

- confirmation that you are an elector in the council'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;
- details of any matter you think the external auditor should make a public interest report about; and
- what you would like the external auditor to do.

Other than it must be in writing, there is no set format for objecting. 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 council. You must say which power or powers you would like the external auditor to consider using to deal with your objection. You can only ask the external auditor to act within the powers available under the Local Audit and Accountability Act 2014. You can ask the external 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.

A final word

You may not use this 'right to object' to make a personal complaint or claim against your council. You should take such complaints to your local Citizens' Advice Bureau, local Law Centre or to your solicitor. Councils, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, one of a series of factors the auditor must take into account is 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 will have to pay for the action yourself.

For more detailed guidance on public rights and the special powers of auditors, copies of the publication *Council Accounts – a guide to your rights* are available from the NAO website.	If you wish to contact your Council's appointed external auditor please write to the address in paragraph 4 of the *notice of public rights and publication of unaudited Annual Return.*