

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 public 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.