

Annual Governance Report

Merseyside Waste Disposal Authority

Audit 2009/10

Date **September 2010**

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Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/ members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
 - any third party.
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Ladies and Gentlemen

2009/10 Annual Governance Report

I am pleased to present the final version of my report on the results of my audit work for 2009/10.

I discussed and agreed a draft of the report with the Director and Assistant Director (Finance) on 13 September 2010 and updated it as issues have been resolved.

My report sets out the key issues that you should consider before I complete the audit.

It asks you to:

- consider the matters raised in this report before approving the financial statements;
- take note of the adjustments to the financial statements set out in this report (Appendix 2);
- agree to adjust the errors and uncertainties in the financial statements I have identified, which management has declined to amend or set out the reasons for not amending the errors and uncertainties (Appendix 3);
- approve the letter of representation on behalf of the Authority before I issue my opinion and conclusion (Appendix 4); and
- delegate the Director to agree a response to the proposed action plan (Appendix 6).

Yours faithfully

Michael Thomas
District Auditor

Date 13 September 2010

Key messages

This report summarises the findings from the 2009/10 audit which is substantially complete. It includes the messages arising from my audit of your financial statements and the results of the work I have undertaken to assess your arrangements to secure value for money in your use of resources.

Financial statements	Results	Page
Unqualified audit opinion	Yes	6
Financial statements free from material error	Yes	6
Adequate internal control environment	Yes	7
Value for money	Results	Page
Adequate arrangements to secure value for money	Yes	9

Audit opinion

- 1 My audit work is now substantially complete and I am expecting to issue an unqualified audit report on 24 September 2010 subject to the clearance of outstanding matters.
- 2 My draft audit report is attached at appendix 1.
- 3 The financial statements were free from material error. During the course of the audit three non-material amendments were made to these accounts. These are listed in appendix 2. Two non-material uncertainties were identified. These were not adjusted and are listed in appendix 3. Further details of these errors and uncertainties are given in the next section.

Value for money

- 4 I intend to issue an unqualified conclusion stating that the Authority has adequate arrangements in place to secure economy, efficiency and effectiveness in its use of resources. The wording of my draft report is included in appendix 1. There are no significant issues to bring to members' attention.

Independence

- 5 I can confirm that the audit has been carried out in accordance with the Audit Commission's policies on integrity, objectivity and independence.

Next steps

This report identifies the key messages that you should consider before I issue my financial statements opinion, value for money conclusion, and audit closure certificate. It includes only matters of governance interest that have come to my attention in performing my audit. My audit is not designed to identify all matters that might be relevant to you.

6 I ask the Authority to:

- consider the matters raised in this report before approving the financial statements.
- take note of the adjustments to the financial statements which are set out in this report (Appendix 2);
- agree to adjust the errors and uncertainties in the financial statements I have identified, which management has declined to amend or set out the reasons for not amending the errors and uncertainties (Appendix 3);
- approve the letter of representation on behalf of the Authority before I issue my opinion and conclusion (Appendix 4); and
- delegate the Director to agree a response to the proposed action plan (Appendix 6).

Financial statements

The Authority's financial statements and annual governance statement are important means by which the Authority accounts for its stewardship of public funds. As Authority members you have final responsibility for these statements. It is important that you consider my findings before you adopt the financial statements and the annual governance statement.

Opinion on the financial statements

- 7** Subject to satisfactory clearance of outstanding matters, I plan to issue an audit report including an unqualified opinion on the financial statements. Appendix 1 contains a copy of my draft audit report.

Errors in the financial statements

- 8** During the course of my audit work and in discussion with officers I identified three items in the accounts which required amendment.
- 9** The most significant related to:
- The depreciation of land; and
 - Group accounts consolidation adjustments following the audit of the subsidiary entities.
- 10** The other item relates to minor classification errors within debtors and creditors.

Depreciation of land and buildings

- 11** During 2009/10 land had been subject to depreciation of £298,000. However, land should not be subject to depreciation and this charge has now been adjusted. Officers that arrangements are now in place to ensure that external valuers value land and buildings separately and therefore this issue should not arise in the future.

Uncertainties in the accounts

- 12** I identified two balances totalling £498,000 within debtors which have not been provided for in the accounts and may not be recoverable. These relate to grant funding for the Huyton New Technologies Demonstrator Plant (NTDP). These amounts, arising in 2008/09 have not yet been received by the Authority and there is some uncertainty over whether £100,000 is still due to the Authority and why £398,000 has not been received from the funder.

Financial statements

Recommendation

- R1** Officers should continue to investigate the outstanding grant funding for the NTDP project. They should write-off or provide against balances where recovery is considered unlikely.

Weaknesses in internal control

St Helens Service Level Agreement

- 13** The Authority continues to use a significant amount of services provided by St Helens MBC. These include internal audit services, treasury management, banking, ledger processing facilities and the services of St Helens' valuer.
- 14** There is no formal service level agreement in place between St Helens and the Authority defining the provision of service. As recommended in my 2008/09 report, the Authority should continue their negotiations with St Helens Council and ensure that services and expectations are clearly defined in a formal agreement.

Recommendation

- R2** The Authority should ensure that it has a service level agreement in place for ongoing services contracted from third parties.

Letter of representation

- 15** Before I issue my opinion, auditing standards require me to ask you and management for written representations about your financial statements and governance arrangements. Appendix 3 contains the draft letter of representation.

Key areas of judgement and audit risk

- 16** In planning my audit I identified specific risks and areas of judgement that I have considered as part of my audit.

Table 1 Key areas of judgement and audit risk

Issue or risk	Finding
Maintaining strong governance arrangements and demonstrating value for money in the procurement of waste disposal facilities - in particular the resource recovery contract.	I have reviewed developments on this during the year including regular updates from the Director and Treasurer. The procurement continues to progress in line with the reported process and there are no issues I wish to bring to your attention for 2009/10. I will continue to monitor the procurement process as it continues in 2010/11.

Issue or risk	Finding
<p>International Financial Reporting Standards (IFRS) to be implemented in full for 2010/11 with some elements relating to PFI and service concessions (IFRIC12) coming into effect in 2009/10</p>	<p>I have discussed progress to date on the transition to IFRS with officers and I will undertake further work in Autumn 2010. To date officers have not identified any changes as a result of IFRIC12 having reviewed the waste management contracts in place and sought advice from their valuer.</p>
<p>Accounting for group entities has previously been more complex as subsidiaries did not have a 30 September year end. Winding down of the activities of the subsidiaries may give rise to more estimates of residual liabilities and asset values. We identified errors in group accounts in prior periods.</p>	<p>The financial year end of subsidiaries has now been changed to 31 March making the consolidation process much less problematic as evidenced in the audit work this year. The finance team has strengthened and has more capacity to manage issues arising from group accounts. We are continuing to monitor residual provisions and liabilities as the activities of the subsidiaries continue to wind down. No issues arose in the 2009/10 audit.</p>
<p>The Authority does not have a formal SLA in place for significant accounting and administrative services currently provided by a third party. There is a risk that services are not provided at the required scope, quality or to the required timescale and are not meeting the needs of the Authority. There is also a risk that services could be terminated at short notice.</p>	<p>We will continue to liaise with officers at the Authority as they continue to negotiate a formal SLA with St Helens Council. We have raised this as a formal recommendation in 2009/10.</p>

Value for money

I am required to decide whether the Authority put in place satisfactory corporate arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the value for money conclusion. I have based my conclusion on my work on the scored use of resources judgement.

Value for money conclusion

17 I assess your arrangements to secure economy, efficiency and effectiveness in your use of resources against the following criteria specified by the Audit Commission:

- Planning for financial health

The Authority has a robust approach to both service and financial planning. There are effective linkages between these two processes and they are sufficiently integrated to inform each other effectively.

- Understanding costs and achieving efficiencies

The Authority has an understanding of its costs and cost drivers, and uses external advisors effectively to ensure that its knowledge in these areas is kept up-to-date, is appropriately benchmarked and is fit for purpose. Cost information is used effectively to support decisions on policy, service planning and resource allocation and to identify efficiency savings. Major investment decisions are subject to a rigorous appraisal process, and are effectively monitored.

- Financial reporting

The Authority has effective budget monitoring arrangements and produces accurate financial information to allow it to monitor performance. The Authority's accounts comply with statutory requirements and do not contain material errors.

- Risk management and internal control

The Authority maintains appropriate risk management arrangements which are updated and regularly reviewed. Arrangements to prevent and detect fraud are adequate including participation in the National Fraud Initiative. The Authority maintains a sound system of internal control as reflected in its Annual Governance Statement.

- Use of natural resources

MWDA has a sound strategic approach to sustainability and the use of natural resources. It works well with its staff and external partners from both the public and private sectors to reduce its impact on the environment, and shows an innovative approach to doing this. It has sought and obtained external accreditation for its environmental management systems, and has adopted a target-driven approach to managing its environmental performance.

18 My conclusion on each of the areas is summarised in Appendix 5.

- 19 I intend to issue an unqualified conclusion stating that the Authority had adequate arrangements to secure economy, efficiency and effectiveness in the use of resources. Appendix 1 contains my draft report.

Appendix 1 – Independent auditor’s report to Members of Merseyside Waste Disposal Authority

Opinion on the accounting statements

I have audited the Authority and Group accounting statements and related notes of Merseyside Waste Disposal Authority for the year ended 31 March 2010 under the Audit Commission Act 1998. The Authority and Group accounting statements comprise the Authority and Group Income and Expenditure Account, the Authority Statement of Movement on the General Fund Balance, the Authority and Group Balance Sheet, the Authority and Group Statement of Total Recognised Gains and Losses, the Authority and Group Cash Flow Statement and the related notes. These accounting statements have been prepared under the accounting policies set out in the Statement of Accounting Policies.

This report is made solely to the members of Merseyside Waste Disposal Authority in accordance with Part II of the Audit Commission Act 1998 and for no other purpose, as set out in paragraph 49 of the Statement of Responsibilities of Auditors and of Audited Bodies published by the Audit Commission in April 2008.

Respective responsibilities of the Treasurer and auditor

The Treasurer’s responsibilities for preparing the accounting statements in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice are set out in the Statement of Responsibilities for the Statement of Accounts.

My responsibility is to audit the accounting statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the Authority and Group accounting statements give a true and fair view, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice, of:

- the financial position of the Authority and its income and expenditure for the year; and
- the financial position of the Group and its income and expenditure for the year.

Appendix 1 – Independent auditor’s report to Members of Merseyside Waste Disposal Authority

I review whether the governance statement reflects compliance with ‘Delivering Good Governance in Local Government: A Framework’ published by CIPFA/SOLACE in June 2007. I report if it does not comply with proper practices specified by CIPFA/SOLACE or if the statement is misleading or inconsistent with other information I am aware of from my audit of the accounting statements. I am not required to consider, nor have I considered, whether the governance statement covers all risks and controls. Neither am I required to form an opinion on the effectiveness of the Authority’s corporate governance procedures or its risk and control procedures

I read other information published with the Authority and Group accounting statements, and consider whether it is consistent with the audited Authority and Group accounting statements. This other information comprises the Explanatory Foreword. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the Authority and Group accounting statements. My responsibilities do not extend to any other information.

Basis of audit opinion

I conducted my audit in accordance with the Audit Commission Act 1998, the Code of Audit Practice issued by the Audit Commission and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the Authority and Group accounting statements and related notes. It also includes an assessment of the significant estimates and judgments made by the Authority in the preparation of the Authority and Group accounting statements and related notes, and of whether the accounting policies are appropriate to the Authority’s circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the Authority and Group accounting statements and related notes are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the Authority and Group accounting statements and related notes.

Opinion

In my opinion:

- The Authority accounting statements give a true and fair view, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice, of the financial position of the Authority as at 31 March 2010 and its income and expenditure for the year then ended; and
- The Group accounting statements give a true and fair view, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended

Appendix 1 – Independent auditor’s report to Members of Merseyside Waste Disposal Authority

Practice, of the financial position of the Group as at 31 March 2010 and its income and expenditure for the year then ended.

Conclusion on arrangements for securing economy, efficiency and effectiveness in the use of resources

Authority’s Responsibilities

The Authority is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance and regularly to review the adequacy and effectiveness of these arrangements.

Auditor’s Responsibilities

I am required by the Audit Commission Act 1998 to be satisfied that proper arrangements have been made by the Authority for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice issued by the Audit Commission requires me to report to you my conclusion in relation to proper arrangements, having regard to relevant criteria for other local government bodies specified by the Audit Commission and published in January 2009. I report if significant matters have come to my attention which prevent me from concluding that the Authority has made such proper arrangements. I am not required to consider, nor have I considered, whether all aspects of the Authority’s arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.

Conclusion

I have undertaken my audit in accordance with the Code of Audit Practice and having regard to the criteria for other local government bodies specified by the Audit Commission and published in January 2009 and the supporting guidance, I am satisfied that, in all significant respects, Merseyside Waste Disposal Authority made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2010.

Certificate

I certify that I have completed the audit of the accounts in accordance with the requirements of the Audit Commission Act 1998 and the Code of Audit Practice issued by the Audit Commission.

Appendix 1 – Independent auditor’s report to Members of Merseyside Waste Disposal Authority

Michael Thomas

Officer of the Audit Commission

The Heath Business and Technical Park

Runcorn

Cheshire

WA7 4QF

24 September 2010

Appendix 2 – Amendments to the draft accounts

I identified the following misstatements during my audit and managers have made the necessary adjustments. I bring them to your attention to aid you in fulfilling your governance responsibilities.

Table 2

		Income and Expenditure Account		Balance sheet	
Adjusted misstatements	Nature of adjustment	Dr £000s	Cr £000s	Dr £000s	Cr £000s
Group accounts Adjustments to consolidated group accounts identified by officers during the audit of the subsidiary companies	Profit and loss account Profit and loss reserves	322			322
Entity accounts					
Fixed assets Depreciation charged to land	Depreciation charge Accumulated depreciation		298	298	
Classification errors Minor classification errors between debtors and creditors	Debtors Government Department Other Local Authority Sundry Debtors Creditors Other Local Authority Sundry Creditors			122 22 23 48	215

Appendix 3 – Unadjusted differences in the accounts

I identified the following uncertainties during my audit, but management has not adjusted the financial statements. I bring them to your attention to help you in fulfilling your governance responsibilities. If you decide not to amend, please tell us why in the representation letter. If you believe the effect of the unadjusted uncertainties, individually and collectively, is immaterial, please reflect this in the representation letter. Please attach a schedule of the unadjusted uncertainties to the representation letter.

Table 3

Description of uncertainty	Accounts affected	Value £'000s
Debtor relating to grant funding on the Huyton NTDP project. It is possible that this funding has already been received in kind and therefore the debtor may not be valid.	Dr Income and Expenditure Cr Debtor	100
Debtor relating to final funding application on the Huyton NTDP project. This funding has not been received and to date officers have not had an explanation for the delay. It is possible that the final payment will not be received.	Dr Income and Expenditure Cr Bad debt provision	398

Appendix 4 – Draft letter of representation

To:

Michael Thomas

District Auditor

Audit Commission

The Heath Business Park

Runcorn

Cheshire

WA7 4QF

Dear Mr Thomas,

Merseyside Waste Disposal Authority - Audit for the year ended 31 March 2010

I confirm to the best of my knowledge and belief, having made appropriate enquiries of other directors, officers of Merseyside Waste Disposal Authority, the following representations given to you in connection with your audit of the Authority financial statements for the year ended 31 March 2010. All representations cover the Authority and Group Accounts included within the financial statements.

Compliance with the statutory authorities

I acknowledge my responsibility under the relevant statutory authorities for preparing the financial statements in accordance with the Code of Practice for Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice which give a true and fair view and for making accurate representations to you.

Uncorrected misstatements and uncertainties

I confirm that I believe the effect of the unadjusted financial statements uncertainties listed in the appendix to the Auditors' governance report are not material to the financial statements. These have been discussed with those charged with governance at the Authority. The reason for not adjusting them is that they are not material to the financial statements and there is uncertainty over the extent of any provision required.

Appendix 4 – Draft letter of representation

Supporting records

All the accounting records have been made available to you for the purpose of your audit and all the transactions undertaken by the Merseyside Waste Disposal Authority have been properly reflected and recorded in the accounting records. All other records and related information, including minutes of all Authority meetings, have been made available to you.

Irregularities

I acknowledge my responsibility for the design and implementation of internal control systems to prevent and detect fraud or error.

There have been no:

- irregularities involving management or employees who have significant roles in the system of internal accounting control;
- irregularities involving other employees that could have a material effect on the financial statements; or
- communications from regulatory agencies concerning non-compliance with, or deficiencies on, financial reporting practices which could have a material effect on the financial statements.

I also confirm that I have disclosed:

- my knowledge of fraud, or suspected fraud, involving either management, employees who have significant roles in internal control or others where fraud could have a material effect on the financial statements; and
- my knowledge of any allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, analysts, regulators or others.

Law, regulations, contractual arrangements and codes of practice

There are no instances of non-compliance with laws, regulations and codes of practice, likely to have a significant effect on the finances or operations of the Merseyside Waste Disposal Authority.

The Authority has complied with all aspects of contractual arrangements that could have a material effect on the financial statements in the event of non-compliance. There has been no non-compliance with requirements of regulatory authorities that could have a material effect on the financial statements in the event of non-compliance.

Fair Values

I confirm that the presentation and disclosure of the fair value measurements of material assets, liabilities and components of equity are in accordance with the financial reporting framework.

The measurement methods and significant assumptions used in determining fair value have been applied on a consistent basis, are reasonable and appropriately reflect the best estimate of fair value of assets and liabilities required to be disclosed by these standards.

Appendix 4 – Draft letter of representation

Group entities

I confirm the completeness of the information disclosed regarding Mersey Waste Holdings Ltd. I have considered the audited accounts for the company for the year ended 30 September 2009 and the six months to 31 March 2010 and the six months management accounts to 31 March 2009 to ensure no additional disclosure is required in the financial statement of the Authority or Group.

Assets

The following have been properly recorded and, where appropriate, adequately disclosed in the financial statements:

- losses arising from sale & purchase commitments;
- agreements & options to buy back assets previously sold; and
- assets pledged as collateral.

Compensating arrangements

There are no formal or informal compensating balancing arrangements with any of our cash and investment accounts.

Contingent liabilities

There are no other contingent liabilities, other than those that have been properly recorded and disclosed in the financial statements. In particular:

- there is no significant pending or threatened litigation, other than those already disclosed in the financial statements; and
- there are no material commitments or contractual issues, other than those already disclosed in the financial statements; and
- no financial guarantees have been given to third parties.

Related party transactions

I confirm the completeness of the information disclosed regarding the identification of related parties.

The identity of, and balances and transactions with, related parties have been properly recorded and where appropriate, adequately disclosed in the financial statements

Signed on behalf of Merseyside Waste Disposal Authority

I confirm that this letter has been discussed and agreed by the Authority on 24 September 2010.

Signed

Name: Peter Williams

Position: Treasurer to the Authority

Date 24 September 2010

Appendix 5 – Value for money criteria

KLOE	Met
Managing finances	
Planning for financial health	Yes
Understanding costs and achieving efficiencies	Yes
Financial reporting	Yes
Governing the business	
Risk management and internal control	Yes
Managing resources	
Natural resources	Yes

Appendix 6 – Action plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
Annual Governance Report 2009/10 - Recommendations						
7	R1 Officers should continue to investigate the outstanding grant funding for the NTDP project. They should write-off or provide against balances where recovery is considered unlikely.	2	Alan Bennett	Yes		
7	R2 The Authority should ensure that it has a service level agreement in place for ongoing services contracted from third parties.	3	Peter Williams	Yes		

Appendix 7 – Glossary

Annual governance statement

20 A statement of internal control prepared by an audited body and published with the financial statements.

Audit closure certificate

21 A certificate that I have completed the audit following statutory requirements. This marks the point when I have completed my responsibilities for the audit of the period covered by the certificate.

Audit opinion

22 On completion of the audit of the accounts, auditors must give their opinion on the financial statements, including:

- whether they give a true and fair view of the financial position of the audited body and its spending and income for the year in question;
- whether they have been prepared properly, following the relevant accounting rules; and
- for local probation boards and trusts, on the regularity of their spending and income.

Qualified

23 The auditor has some reservations or concerns.

Unqualified

24 The auditor does not have any reservations.

Value for money conclusion

25 The auditor's conclusion on whether the audited body has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

Copies of this report

If you require further copies of this report, or a copy in large print, Braille, audio or in a language other than English, please call 0844 798 7070.

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