



Rialtas na hÉireann
Government of Ireland

LOCAL GOVERNMENT AUDIT SERVICE

Statutory Audit Report

to the

Members of Dublin City Council

for the

Year Ended 31 December 2017

Department of Housing, Planning and Local Government

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AUDITOR'S REPORT TO THE MEMBERS OF DUBLIN CITY COUNCIL

1 Introduction

I have audited the Annual Financial Statement (AFS) of Dublin City Council for the year ended 31 December 2017, which comprise the Statement of Accounting Policies, Statement of Comprehensive Income, Statement of Financial Position, Funds Flow Statement and notes to and forming part of the accounts. The financial reporting framework that has been applied in its preparation is the Code of Practice and Accounting Regulations for Local Authorities, as prescribed by the Minister for Housing, Planning and Local Government.

My main statutory responsibility, following the completion of the audit work, is to express my independent audit opinion on the AFS of the Council, as to whether it presents fairly the financial position at 31 December 2017 and its income and expenditure. My audit opinion, which is unmodified, is stated on page 8 of the AFS.

The Council is by law, responsible for the maintenance of all accounting records including the preparation of the AFS. It is my responsibility, based on my audit, to form an independent opinion on the statement and to report my opinion. I conducted my audit in accordance with the Code of Audit Practice. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the AFS. It also includes an assessment of the significant estimates and judgements made by the Council's management in the preparation of the AFS, and of whether the accounting policies are appropriate to the Council'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 to provide sufficient evidence to give reasonable assurance that the financial statement is free from material misstatement, whether caused by fraud or error.

This report is prepared in accordance with Section 120(1) (c) of the Local Government Act, 2001 and should be read in conjunction with the audited AFS.

2 Financial Standing

2.1 Statement of Financial position

The Council recorded a deficit of €2.9m in 2017, after net transfers to Reserves of €36.3m leaving a credit balance of €23.2m on General Revenue Reserve. The main variances between the adopted budget and the AFS are detailed in Note 16 of the AFS. The variances have been approved by the members at their meeting on the 11th June 2018, pursuant to S104 of the Local Government Act, 2001.

2.2 Government Debtors

Government Debtors increased from €80m in 2016 to €136m in 2017, of which €126.1m is owed by the Department of Housing, Planning and Local Government (the Department) to Dublin City Council.

Chief Executive's Response

Claims are regularly submitted to the department across the City Council for projects, including revenue and capital, which are at various stages of completion. Continuous engagement is on-going with the Department to resolve outstanding claims.

2.3 Bank Investments

Bank Investments have increased from €118m to €131m, while cash at bank has reduced from €24m to €1m in 2017 from the previous year. The difference is reflected in the net decrease in cash and cash equivalents in the Funds Flows Statement.

2.4 Local Property Tax (LPT)

With effect from 2017, the Pension Related Deduction (PRD) was not retained locally and to compensate for this, the LPT baseline was adjusted upwards in all local authorities in line with the PRD income in 2014. Consequently, the LPT figure increased from €7m in 2016 to €23m in 2017.

3 Income Collection

3.1 A summary of the revenue collections are as follows:

| Income Source | Yield % | | Debtors €m | |
|-------------------|---------|------|------------|------|
| | 2017 | 2016 | 2017 | 2016 |
| Rates | 91 | 90 | 32.4 | 41.0 |
| Rents & Annuities | 76 | 78 | 26.2 | 22.5 |
| Housing Loans | 66 | 66 | 10.8 | 12.4 |

3.2 Rates

The rates collection yield shows a positive improvement of 1%, reducing the debtors from €41m in 2016 to €32.4m in 2017. These debtors have been analysed as follows:

| Rates Collection Status | Arrears |
|--|-------------|
| Settlements agreed / Pending / Being Discharged by | 10.4 |
| Court Proceedings | 5.9 |
| Decree Obtained | 4.1 |
| Under Investigation | 3.5 |
| Liquidations / Receiverships / Ceased Trading | 2.5 |
| Revisions / Appeals / VTA | 1.9 |
| Other | 4.1 |
| Total | 32.4 |

Chief Executive's Response

Commercial rates account for 37% of revenue income in 2017 and are therefore a critical source of funding for revenue services. The Rates Office staff is focused and proactive in maximising the collection and actively managing the arrears in order to reducing the level of arrears.

3.3 Rents & Annuities

The collection yield for rents and annuities reduced by 2% resulting in a monetary increase of €3.7m in the arrears figure at the end of 2017. Every effort should be made to improve collections.

As highlighted at previous audits, it is important to have up to date and reliable tenant income information, in order to avoid inaccurate rent assessments. Incorrect assessments often give rise to significant retrospective adjustments and consequent arrears difficulties.

Chief Executive's Response

Dublin City Council has in place an Arrears Collection policy including early intervention for arrears under €500, warning notices, and tenancy notices leading to legal proceedings. Tenants are responsible under the terms of their Tenancy Agreement to supply us with details of their income / employment status and household composition. Tenants are frequently reminded of the importance of submitting correct details and a reminder is issued with every quarterly statement to all tenants.

From October 2018 the Department for Employment and Social Protection (DEASP) will provide Dublin City Council with access to the Local Authority Verification Application (LAVA) which will enable Dublin City Council to view the income details of tenants. This development will greatly assist with rent reviews and result in fewer assumed incomes being applied, arrears accruing and more accurate weekly rent charges being applied.

3.4 Housing Loans

The collection yield is low at 66% and showed no improvement from the previous year. This warrants attention.

In addition, the credit balance total in 2017 is €617k. Of this, there were 52 accounts with credit balances greater than €2,500 amounting to €347k. It is noted that where credit balances are in excess of €5,000, a policy exists whereby the customer is encouraged to reduce the loan principal, and either reduce the term of the loan or monthly instalments.

Chief Executive's Response

The collection yield has improved from 59% in 2015 to 66% and remained consistent in this reporting period. Every effort is made by a dedicated team to reduce the long term arrears and options under the Mortgage Arrears Resolution Process (MARP) continue to be provided to clients.

3.5 Bad Debt Provisions

Bad debt provision for trade debtors has increased from €105m to €135m, reflecting an increase mainly in provisions for development contributions, rents and loans.

There is a further bad debt provision of €29.7m. This relates to the total outstanding housing loan principal of €230.8m recorded in long term debtors in the AFS.

Chief Executive's Response

The City Council has a prudent approach to the provisioning against potential bad debts. In line with this policy our overall provision increased due to an increase in our-year end trade debtors from €235m to €320m. The provision against the long term housing loan principal is just under 13% and the need for this provision will be reviewed again in 2018.

4. Transfer of Water and Sewerage Functions to Irish Water

Pursuant to Statutory Instrument No. 13 of 2015, all underground assets relating to water and wastewater services but excluding assets relating to surface water have been transferred to Irish Water.

4.1 Asset Transfer Status

There are sixty-two over-ground assets remaining which are at various stages of assessment. It is evident that considerable work has been put into this area and is still ongoing. A number of assets cannot be transferred, due to third party ownership, while other assets are unregistered and require considerable work regarding title, boundaries etc.

4.2 Irish Water Non HFA Loans

Non Housing Finance Agency water related loans payable at the end of 2017 amounted to €12.4m. The repayments are fully recoupable from the Department. These loans still remain outstanding on Dublin City Council's Balance Sheet. However, the water related assets have been taken off the Council's Balance Sheet and are in the process of being transferred to Irish Water.

Chief Executive's Response

The servicing of these loans is fully recouped from the Department of Housing, Planning & Local Government in line with their Circular L3-14.

4.3 Work in Progress

The Work in Progress figure in Note 2 to the AFS, includes €10.3m in respect of a water related fixed asset which is no longer in the ownership of Dublin City Council. The Income and Expenditure account is inflated by this amount and should be adjusted in the 2018 AFS.

Chief Executive's Response

The Spencer Dock Pumping Station is in the ownership of Dublin City Council and is currently in the process of being transferred to Irish Water. It has been agreed that this asset will be removed from Work in Progress in the 2018 AFS.

5. Capital Account

The capital account recorded a credit balance of €31m at the 31st December 2017, which represented an increase of €66.45m on the previous year's closing debit balance figure of €35.4m. The movement can be explained by total income including transfers from revenue of €403m in 2017 (2016, €275m) and capital expenditure of €333m in 2017(2016, €230m).

The improvement in closing balance can be attributed to:

- Development contribution receipts
- Reserves
- Monies received from Dublin Waste to Energy Ltd

Chief Executive's Response

There has been an overall improvement on the Capital Account of €66.45m. This is mainly due to the pace of development activity in the City in 2018 resulting in Development Management group balance improving by €26m, mainly due to development contribution receipts. It should be noted that these funds (development contribution receipts) will finance capital works in Dublin City as part of future capital programmes. Other areas that saw improvements were Housing Building €17m, due to debit balances being written off, and Miscellaneous Services €15m partially due to transfer to reserves of €7.4m.

5.1 Loan Redemption Debit Balances

Debit balances on the two accounts listed below, are a result of, the redemption of two HFA loans where no corresponding income was available in the capital account. These comprise of:

- Land acquisition loan redemptions €29.3m, (2016, €29.3m)
- Housing loan redemptions €14.5m (2016, €19.6m)

The housing loans debit balance has decreased from €19.6m in 2016 to €14.5m in 2017. The Land acquisition loan redemptions account, however, has shown no movement. It is recommended that where no source of funding is identified, arrangements are put in place to reduce this debit balance over a planned period of time.

Chief Executive's Response

Sources of funding have been identified for these debit balances. Housing loan redemption debit balance has been reducing by a revenue contribution to capital of €5.1m each year. The balance will reduce again in 2018 by €5.1m, and this arrangement will continue until 2020 when the debit balance will be eliminated. The land

acquisition loan balance will be cleared from the sale of the lands purchased with these funds.

5.2 Unfunded Debit Balances

At audit, a schedule of unfunded debit balances was identified by the housing finance unit totaling €45m. As part of their review they identified certain costs centres which could be offset against these debit balances. This resulted in an offset of €20.4m, leaving an outstanding balance now of €24.6m which is analysed as follows:

There are six large balances over €1m totaling €18.8m.

| Department | Debit Balance €m |
|------------------------------------|---------------------|
| RATOATH ROAD SCRIBBLES TOWN | 4.9 |
| CONVENT LANDS MOURNE ROAD | 4.3 |
| BERRYFIELD/VALEVIEW | 4.2 |
| PLAZA APARTMENTS (PLOTS 12,14 &15) | 2.1 |
| ST HELENAS FINGLAS SOUTH | 1.9 |
| PROSPECT HILL | 1.4 |

In addition, there are a further 41 debit balances under €1million, totaling €5.8m. These are categorised under the relevant departments.

| Department | No of Debit Balances | Amt €m |
|------------|-------------------------|-----------|
| Housing | 18 | 4.9 |
| Roads | 23 | 0.9 |

Arrangements should be put in place to address these outstanding debit balances.

Chief Executive's Response

Extensive work was undertaken in 2017 to reduce the amount of debit balances in Housing, resulting in the balance moving from €45m to €24.6m. This work will continue in 2018 and funds will be sourced and allocated, where possible to further reduce this figure.

5.3 Dublin District Heating Project

The purpose of the Dublin District Heating Project is to facilitate the use of thermal energy from the Waste to Energy Project at Poolbeg to provide heating for homes in the surrounding areas. As highlighted in last year's audit, the above project has a debit balance of €10.9m. It is recommended that arrangements are put in place to reduce this debit balance over a planned period of time.

Chief Executive's Response

Dublin City Council is currently investigating the most appropriate business model and commercial arrangements that will deliver the Dublin District Heating Scheme for Dublin, a scheme which has significant environmental benefits. The Council has engaged a consultant who has completed a draft report on this matter, and have recommended that the project proceeds, so the Council is currently considering the options recommended. As part of these options the Council are completing a project plan, which will include a plan to reduce this debit balance over a planned period of time. In order to finance the development of this project, this plan will also identify sources of capital funding, and a programme of when this funding is required.

6. Fixed Assets

The fixed asset register does not agree with the figures in Note 1 of the AFS for housing. These assets need to reconcile with the Oracle Financial Management System to ensure that the correct property valuations are recorded. I have recommended that an exercise be undertaken to address this before the next audit.

It is also recommended that the process for recording valuations and adjustments should be documented and appropriate controls put in place to ensure accountability for all adjustments to this database. In addition, the insurance register needs to be reconciled with fixed assets to verify the completeness of the assets insured.

Chief Executive's Response

A working group has been established to scope out the necessary requirements to improve the accuracy of the Fixed Assets Register as part of the preparation of Note 1 of the AFS, and to address issues around recording and controls as raised by the Local Government Auditor.

7. Dublin Docklands Development Authority (DDDA)

The above company was dissolved on the 29th February 2016 pursuant to the Dublin Docklands Development Authority (Dissolution) Act 2015. It also provided for the transfer of assets and liabilities to Dublin City Council. The final Annual Report and Financial Statements as at the 29th February 2016 were audited by the Comptroller and Auditor General.

Net asset values totaling €3.2m from the former Dublin Docklands Development Authority were brought into Dublin City Council accounts in 2017. As documentary evidence of the full audit trail was unavailable to us at audit, we were unable to verify the completeness and accuracy of these transactions.

The full documented audit trail needs to be provided to ensure that all financial activities and transactions pertaining to DDDA are brought within the Council's accounting systems as a matter of urgency.

Chief Executive's Response

Compiling the required data in the format requested by the Local Government Auditor took the former Financial Advisors to the DDDA longer than expected and as a result was not provided in time for the Auditor to review it.

On 30.07.18 the Docklands Office furnished the Local Government Auditor with the financial data in the format that was requested for the period under Audit.

8. Dublin Waste to Energy Limited

In December 2017, Dublin Waste to Energy Limited (the PPP Co) refinanced the debt associated within the Dublin Waste to Energy Project. Under the terms of the PPP contract, the Dublin Local Authorities are entitled to a share of any refinancing gain associated with the debt restructure. Dublin City Council, on behalf of the four Dublin Local Authorities appointed the National Development Finance Agency and Philip Lee as financial and legal advisor respectively, to advise on this refinancing transaction. As a result of the gains made on the refinancing and under the terms of the PPP Contract, Dublin Waste to Energy Limited paid €8m to the Dublin Local Authorities in December 2017.

I am informed that Dublin City Council's portion of the refinancing gain will finance their costs associated with the construction and commissioning phases of the project and any additional monies will be used to reduce the debit balance of the pre-construction phase, which is currently circa €13.5m.

In addition, it is noted that up to December 2017, Covanta owned 100% equity in Dublin Waste to Energy Limited being the Public Private Partnership Company (PPP Co.) responsible for the Design, Build, Finance, Operation and Maintenance of the Dublin Waste to Energy Facility. In December, Covanta announced, their intention to sell 50% of the shares in Dublin Waste to Energy Limited to the Green Investment Group. This was subsequently approved in 2018. Covanta retains ownership of the remaining 50% of Dublin Waste to Energy Limited.

Chief Executive's Response:

Dublin City Council's portion of the refinancing gain was €3.3m and our cost for the construction and commissioning phase are €1.8m. The balance of €1.5m will be utilised to reduce the debit balance of the pre-construction phase. It is also noted that under the structure of the Dublin Waste to Energy contract, Dublin City Council will receive some of the facility revenues post the commencement of commercial operation, from Q1 2018. The clearing of the debit balance will be prioritised from this income stream.

9. Loans Payable

9.1 Affordable Housing

It is noted that €73m of loans relating to affordable housing matured in 2017. This amount has been rolled over for a further year to 2018 with the agreement of the Department. The interest is fully recoupable from the Department.

In addition, there is a debit balance of €14.3m in Note 10 to the AFS that remains to be funded.

Chief Executive's Response

A review of the market value of the unsold affordable housing is on-going and, where appropriate and feasible, properties will be transferred to housing stock or will be sold and the proceeds of sales / recoupment will be used to address the outstanding loan balances. We continue to liaise with the Department and the Housing Finance Agency to finalise a long term agreement on these units and associated loans.

9.2 Shared Ownership Loans

During 2017, one hundred and sixty-eight shared ownership loans were restructured and redeemed. These were replaced with annuity loans totaling €25.8m. This amount included capitalised arrears of €928k

Chief Executive's Response

Work will continue to transition shared ownership loans to annuity loans in line with government policy.

10. Development Contributions

The development contribution debtor increased from €23.8m to €40.2m in 2017. Whilst it is acknowledged that improvements have been made, reconciliation needs to be developed between the APAS Planning system and the Oracle Financial Management System to verify the completeness of this debtor.

Chief Executive's Response

The development contribution debtor increased substantially due to the increase in activity in the sector. The integrity of information relating to contributions is continually reviewed and recommendations from previous audits have been implemented where possible. Development contributions are triggered by Building Control Management System (BCMS) commencement notices. The levy calculations are recalculated and checked against the records in APAS with APAS being corrected for any information errors. This is carried out on a weekly basis, and an additional quarterly BCMS review and check will be implemented. Furthermore the potential use of Swift Query Builder will be investigated to ascertain the feasibility of report generation on development contributions to assist with the reconciliation process.

11. Procurement

Dublin City Council has a dedicated central procurement unit which offers an advisory support role to the departments in the preparation of tenders and the guidance on contract award procedures.

A review was undertaken at audit and a number of weaknesses were identified both in Legal and Environment, regarding public procurement procedures as follows:

- Legal services including the procurement of barristers did not comply with Circular 05/2013. It is incumbent on the local authority to ensure that all legal services are procured in accordance with this circular.
- The final cost of a cycle-way was €9m where the original contract tender price was €4.3m.

- The contracts for both parking tags and the Pay & Display collections expired in 2014 and were not retendered.
- The contracts for repair and maintenance of electric vehicles in addition to the hire of vehicle have expired since 2013 and were not retendered.
- The contract for the service provider for a toll bridge was not in accordance with the Procurement Directive.

Chief Executive's Response

- **Legal Services**

- Legal services are primarily exempt for the provisions of the EU Public Procurement Directive.

Circular 05/13 provides that in procuring legal services public tendering should be the norm.

DCC has established a framework for the provision of legal services from solicitors, and when it expires will use the framework set up by the Office of Government Procurement (OGP).

The charging system Barristers use is different from that used by solicitors or other professionals. They charge a brief fee which is meant to deal with the work undertaken to look at the papers and furnish advices. Then they charge a retainer for each day the case is in court. Also DCC need to have a broad range of barristers available and to retain them at short notice due to cases of sudden court proceedings being served on the Council. Barristers could also be conflicted due to acting for the other party or because they acted for them in the past. A barrister might not be able to take on a case due to pressure of work.

It has not been our practice to publicly procure barristers. I note that the OGP has chosen not to form a framework for barristers' services and the Office of Director of Public Prosecutions and the HSE do not publicly procures barristers services.

- **Final Cost of Cycleway**

- During the construction phase the Engineer's Representative (ER) issued a number of Change Orders to the contractor agreed to by DCC. The contractor submitted 140 No. of claims which were determined by the ER as "Compensation & Delay Events" under the contract. The contractor disputed 186 No. of the ER's determinations and these were referred for conciliation and it was determined that the contractor be awarded additional costs. The defect period is now over and the contractor is due 2.5% of the contract sum as part of the retention money under the contract.

Under the Capital Projects Procedures, the Close Out Report can now to be compiled.

- **Contract for Parking Tag**

- Market discussion with potential service providers was completed in Q4 2017. A draft RFT seeking submission of tender documents has been forwarded to the Central Procurement Unit for advice and approval prior to publication on eTenders website. It is expected to have a new contract in place before year end 2018.

- **Contract for Pay & Display Collections**
 - The rollout of new P&D ticket machines leased by DCC under another contract will result in a reduction in the number of coin collections to be completed by G4S. When fully rolled out the number of collections likely to be required will inform the tender process. A new tender is expected to be issued in Q1 2019.

- **Contracts for repair and maintenance of vehicles**
 - Waste Management is currently working on publication of a tender to rectify the situation regarding expenditure on repair and maintenance of electric vehicles owned by the department. These vehicles were purchased at the expiration of the previous contract in 2013. The level of spending on repair and maintenance of these vehicles was identified as being in excess of procurement thresholds during the audit process and the fleet management section within waste management are currently compiling the specifications of the tender document required to put in place a services contract. The tender is due to be published by mid September 2018.

- **Contract for the service provider for a toll bridge.**
 - DCC kept the existing operator (EGIS) in place following takeover of the company. There is a procurement process initiated to secure an operator. This process is on-going.

12. Local Authority Companies

Dublin City Council has an interest in eleven subsidiaries and three associated companies as outlined in Appendix 8 to the AFS. Audited accounts have not been received for year ended 31 December 2017 for thirteen of the fourteen companies reviewed in the course of the audit.

Chief Executive's Response

The accounts for 13 of the 14 companies have been received for 2016. It is anticipated that the 2017 account will be received by September 2018, which is in line with the statutory deadline for filing accounts with the Company's Office.

12.1 Temple Bar Cultural Trust Designated Activity Company

The above company is a fully owned subsidiary of Dublin City Council. According to the company accounts, it is envisaged that this company will transfer into the ownership of Dublin City Council in the future. The timing of this transfer is subject to the approval of the Planning and Development (No. 2) Bill and a commencement order.

The total assets owned by this company are €57m as at year end 2016 and have not been consolidated with the Council's accounts.

Chief Executive's Response

Dublin City Council is awaiting the relevant legislation from Central Government to enable the dissolution of the Temple Bar Cultural Trust. In the meantime, the orderly transition of the company's functions to Dublin City Council continues and all company legislative requirements continue to be complied with.

13. Governance

13.1 Ethics Register

Pursuant to the Local Government Act, 2001 (as amended), all elected members and staff of certain grades within the Council are required to make annual declarations to the Ethics Registrar.

A number of staff statutory declaration forms have not been returned for 2017.

Chief Executive's Response

A small percentage of declarations are still outstanding, approx. 25 out of 830. The Ethics Officer is following up on these which are mainly due to staff absent on extended leave.

The current system is a manual one and we are working with IS to replace this paper based system with an on-line system.

13.2 Internal Audit

In accordance with the Internal Audit Charter, the Head of Internal Audit reports to the Head of Finance for administrative purposes and has direct and independent access to the Chief Executive and the Chair of the Audit Committee. This unit is staffed with 7.1 Full Time Equivalent (FTE) staff personnel.

Internal Audit completed five reports in 2017. I have taken account of their work in the audit.

13.3 Audit Committee

The Audit Committee comprises seven members, four external members and three elected members. The committee met four times during 2017 and operate under a written charter. It has an annual work programme and works closely with Internal Audit to ensure its implementation.

This committee is critical to the independent oversight and corporate governance within Dublin City Council. It presented its Annual Report to Council on the 9th April 2018.

13.4 Risk Management

There is an established Risk Steering Group chaired by the Chief Executive operating effectively within Dublin City Council. Its members consist of Assistant Chief Executives, Head of Finance, City Engineer, Law Agent, Head of HR and Corporate Services. The Risk Steering Group met four times during 2017. They undertook to identify and discuss key corporate risks arising during the year.

Dublin City Council is currently undergoing a comprehensive review of their risk registers with a view to ensuring that all risks are identified and recorded.

Acknowledgement

I wish to record my appreciation for the courtesy and co-operation extended to the audit team by the management and staff of the Council.



Ita Howe
Principal Local Government Auditor

31st July 2018

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