

**ITEM No ...3(c)(iv).....**



**FLEMING TRUST**

**SC052182**

**ANNUAL ACCOUNTS  
FOR THE YEAR ENDED 31 MARCH 2023**

**AUDITED**

**October 2023**

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**FLEMING TRUST**  
**ANNUAL ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2023**

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## TRUSTEES' ANNUAL REPORT

### LEGAL & ADMINISTRATIVE INFORMATION

#### Trustees

The Trustees of the Fleming Trust are the 29 councillors of Dundee City Council. Councillors are elected to serve for a period of five years. The last full Council election was held on 5 May 2022 and the first statutory meeting of the new Council took place on 23 May 2022. The following Councillors were in office during the 2022/23 financial year:

<b>Up to 23 May 2022</b>	<b>From 23 May 2022</b>
Bailie Ian Borthwick (Lord Provost)	Bill Campbell (Lord Provost)
John Alexander (Leader of the Administration)	John Alexander (Leader of the Administration)
Stewart Hunter	Daniel Coleman
Bailie Kevin Keenan	Stewart Hunter
Alan Ross	Baillie Kevin Keenan
Bill Campbell	Charlie Malone
Bailie Fraser Macpherson	Wendy Scullin
Richard McCready	Roisin Smith
Bailie Helen Wright	Siobhan Tolland
Georgia Cruickshank	Michael Crichton
Ken Lynn	Nadia El-Nakla
Lynne Short	Baillie Fraser Macpherson
Gregor Murray	Heather Anderson
Steven Rome	Mark Flynn
Bailie Willie Sawers	George McIrvine
Will Dawson	Baillie Helen Wright
Bailie Christina Roberts	Georgia Cruickshank
Bailie Derek Scott	Ken Lynn
Kevin Cordell	Lynne Short
Charlie Malone	Jax Finnegan
Michael Marra	Steven Rome
Roisin Smith	Baillie Willie Sawers
Donald Hay	Baillie Will Dawson
Mark Flynn	Dorothy McHugh
George McIrvine	Baillie Christina Roberts
Anne Rendall	Kevin Cordell
Margaret Richardson	Craig Duncan
Craig Duncan	Baillie Derek Scott
Philip Scott	Pete Shears

#### Principal Address

c/o Dundee City Council  
City Square Complex  
Dundee

#### External Auditor

The appointed external auditor is:  
Richard Smith - Senior Audit Manager  
Audit Scotland  
4<sup>th</sup> Floor, South Suite, The Athenaeum Building  
8 Nelson Mandela Place  
Glasgow  
G2 1BT

## **Banking Arrangements**

Royal Bank of Scotland plc  
3 High Street  
Dundee  
DD1 9YL

## **ANNUAL REPORT 2022/23**

### **Administrative Details**

During the 2022/23 financial year, Dundee City Council acted as sole trustee for the Fleming Trust. The Council administers the Fleming Trust's funds but the associated assets are not available to the Council and have not been included in the Council's Single Entity or Group Balance Sheets.

The Fleming Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 12 December 2022 with charity registration number SC52182. There was no change to the Fleming Trust's objectives, governance arrangements and activities upon registration.

### **Objectives & Activities**

Estate gifted in 1929 by the late Robert Fleming Esq. with the following objects: "the clearance and demolition of slum dwelling houses and the provision of suitable accommodation for re-housing the displaced occupants of slum property in Dundee, and failing them, other persons residing or wishing to take up residence in Dundee... at rents reasonably within the capacity of the beneficiaries to pay."

The Fleming Trust's funds derive from this expendable endowment. There are restrictions as to how the income derived from this is spent.

### **Structure, Governance & Management Arrangements**

During the 2022/23 financial year, the City Council was, in law, the sole trustee for the Fleming Trust. Elected members of the Council are automatically appointed as trustees on an ex-officio basis. "Dundee City Council as Fleming Trustees" meets typically a couple of times a year.

The Fleming Trust is governed by a Supervisory Committee comprising the Lord Provost, a Councillor and a number of individuals external to the Council. The Supervisory Committee is assisted by Council officers and an external solicitor as Clerk. The Supervisory Committee typically meets once a year.

The responsibility for day-to-day management of the Trust has been delegated to the relevant chief officers of the Council.

### **Risk**

The trustees have not identified any major risks to which the Fleming Trust is exposed.

### **Financial Administration**

Dundee City Council acted as sole trustee during the 2022/23 financial year. The financial administration of the Fleming Trust is undertaken in accordance with the Council's approved Financial Regulations. The Financial Regulations contain the following specific references to Trusts and Charitable Funds:

"11.19 The Executive Director of Corporate Services shall ensure the proper and safe custody and control of all charitable funds held by the Council and shall

ensure that all expenditure is in accordance with the conditions of the trustees etc.

All officers acting as trustees by virtue of their official position shall deposit all securities etc relating to the trust or charitable fund with the Executive Director of Corporate Services.

All investments of money shall be made by the Executive Director of Corporate Services in the name of Council. Any investments made will be made in accordance with the policy determined by the Policy and Resources Committee.

The Executive Director of Corporate Services and other relevant officers shall ensure compliance with the requirements of the Office of the Scottish Charities Regulator (OSCR)."

### **Financial Review**

For the 2022/23 financial year, the total net deficit was £53,295 (2021/22: surplus of £196,666). Total income was £416,695 (2021/22: £371,779) comprising property rental income of £386,665 (2021/22: £370,037) and investment income of £30,030 (2021/22: £1,742). Property rental income relates to rents for 96 dwellings, at rates similar to those charged by Dundee City Council's Housing Revenue Account. Investment income relates solely to interest on surplus funds that are deposited with Dundee City Council's Loans Fund.

Total expenditure was £469,990 (2021/22: £175,113). This related mainly to repairs and maintenance costs of £210,848 (2021/22: £135,562), lost rents of £21,751 (2021/22: £26,301), depreciation of £153,196 (2021/22: £nil) and a one-off compensation event of £71,779 relating to Covid19-related delays at the Derby Street site.

Depreciation is a non-cash expense, and a requirement in order to comply with the Charities Statement of Recommended Practice (SORP) and FRS102.

In addition to the 92 original dwellings in operation throughout 2022/23, the Fleming Trust has been working with Dundee City Council to acquire a further 12 dwellings at Derby Street, a housing development being undertaken in conjunction with Dundee City Council. Of the 12 dwellings, 4 newly constructed dwellings came into operation during the year (cost £618,603) and 8 dwellings were complete but not yet operational by 31 March 2023 (cost £1,346,242). As per report 119-2015, Fleming Trust will acquire a total of 12 units, at a cost of approximately £2,000,000 (actual cost was £1,964,845). These dwellings will be financed from existing Trust funds and a loan for £1,000,000 from Dundee City Council's Loans Fund.

Total charity funds amounted to £8,489,587 as at 31 March 2023 (£8,542,882 as at 31 March 2022). The entire fund is an expendable endowment fund. Cash-backed reserves are operated in accordance with the charity's aims and objectives, as set out in the original founding document. The charity's working capital is represented by its net current assets, amounting to £214,938 as at 31 March 2023 (£2,079,882 as at 31 March 2022). The decrease relates mainly to the liability payable to Dundee City Council for the afore-mentioned 12 new dwellings at Derby Street.

### **Achievements & Performance**

As disclosed above, during 2022/23 the Fleming Trust incurred costs of £2,175,693 in pursuit of its objectives:

- £210,848 was spent on repairs and maintenance and other property costs
- £1,964,845 was incurred on the acquisition of 12 new-built dwellings, of which 4 became operational during 2022/23

### **Trustee Remuneration & Expenses**

No trustees received any remuneration or expenses during the 2022/23 financial year (2021/22: £nil).

### **External Audit**

The financial statements are the subject of an external audit. Please note that details of charitable trust funds are incorporated within Dundee City Council's Annual Accounts. This includes separate disclosures on the Fleming Trust. The Fleming Trust account is therefore also audited as part of the wider audit of Dundee City Council's Annual Accounts.

### **Further Information**

Any queries regarding this document should, in the first instance, be addressed to:

Francois de Villiers FCA, CA(SA)  
Accounting Strategy Manager, Corporate Services  
Dundee City Council  
50 North Lindsay Street  
Dundee  
DD1 3RF  
(Email: francois.devilliers@dundeecity.gov.uk)  
(Telephone: 07385 931075)

Signed on behalf of the trustees on 25 October 2023

Bailie Willie Sawers  
Senior Councillor with responsibility for Finance  
Dundee City Council



## **STATEMENT OF TRUSTEES' RESPONSIBILITIES IN RESPECT OF THE TRUSTEES' ANNUAL REPORT AND THE FINANCIAL STATEMENTS**

The charity trustees are responsible for preparing a trustees' annual report and financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

The law applicable to charities in Scotland requires the charity trustees to prepare financial statements for each year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, of the charity for that period. In preparing the financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the applicable Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The trustees are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the charity and to enable them to ensure that the financial statements comply with the Charities and Trustee Investment (Scotland) Act 2005, the Charity Accounts (Scotland) Regulations 2006 (as amended), and the provisions of the Trust deed. They are also responsible for safeguarding the assets of the charity and taking reasonable steps for the prevention and detection of fraud and other irregularities.

Approved by the trustees on 25 October 2023 and signed on their behalf by:

Bailie Willie Sawers  
Senior Councillor with responsibility for Finance  
Dundee City Council

## FLEMING TRUST

### STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 MARCH 2023

	note	Total funds 2022/2023 £	RESTATED Total Funds 2021/2022 £
Rent		386,665	370,037
Investment Income	8	30,030	1,742
<b>Total income</b>		<b>416,695</b>	<b>371,779</b>
Property Insurance		5,000	5,000
Repairs & Maintenance		210,848	135,562
Landlords Supplies		5,000	5,000
Audit Fees		1,732	2,750
Computer-Consumables		500	500
Lost Rents		21,935	26,301
Compensation event		71,779	-
Depreciation		153,196	-
<b>Total expenditure</b>		<b>469,990</b>	<b>175,113</b>
<b>Net income/(expenditure)</b>		<b>(53,295)</b>	<b>196,666</b>
<b>Net movement in funds</b>		<b>(53,295)</b>	<b>196,666</b>
<b>Total funds brought forward</b>		<b>8,542,882</b>	<b>8,346,216</b>
<b>Total funds carried forward</b>		<b>8,489,587</b>	<b>8,542,882</b>

These funds are deemed to be restricted, permanent endowment (capital) funds.

## FLEMING TRUST

### BALANCE SHEET AS AT 31 MARCH 2023

	note	As at 31 March 2023	RESTATED As at 31 March 2022
		£	£
<b>Fixed assets</b>			
Tangible assets	4	8,274,649	6,463,000
<b>Total fixed assets</b>		<b>8,274,649</b>	<b>6,463,000</b>
<b>Current assets</b>			
Debtors	5	65,212	91,365
Investments	6	1,908,157	1,508,157
Cash at Bank and In Hand		443,882	654,756
<b>Total current assets</b>		<b>2,417,251</b>	<b>2,254,278</b>
<b>Liabilities</b>			
Creditors falling due within one year	7	(2,202,313)	(174,397)
<b>Net current assets</b>		<b>214,938</b>	<b>2,079,882</b>
<b>Total assets less current liabilities</b>		<b>8,489,587</b>	<b>8,542,882</b>
Creditors falling due after more than one year		-	-
<b>Net assets</b>		<b>8,489,587</b>	<b>8,542,882</b>
<b>The funds of the charity</b>			
Endowment funds		8,489,587	8,542,882
<b>Total charity funds</b>		<b>8,489,587</b>	<b>8,542,882</b>

The notes at pages 11 to 13 form part of these accounts.

The unaudited accounts were authorised for issue on 20 June 2023 and the audited accounts were authorised for issue on 25 October 2023 and signed on behalf of the Trustees by:-

Baillie Willie Sawers  
Senior Councillor with responsibility for Finance  
Dundee City Council

## FLEMING TRUST

### CASHFLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2023

	note	As at 31 March 2023	As at 31 March 2022
		£	£
<b>Cash flows from operating activities:</b>			
<b>Net cash provided by (used in) operating activities</b>		<b>159,096</b>	<b>261,667</b>
<b>Cash flows from investing activities:</b>			
Dividends, interest and rents from investments		30,030	1,742
Purchase of property, plant and equipment		-	-
<b>Net cash provided by (used in) investing activities</b>		<b>30,030</b>	<b>1,742</b>
<b>Cash flows from financing activities:</b>			
Repayments of borrowing		-	-
Cash inflows from new borrowing		-	-
<b>Net cash provided by (used in) financing activities</b>		<b>-</b>	<b>-</b>
<b>Change in cash and cash equivalents in the reporting period</b>		<b>189,126</b>	<b>263,409</b>
Cash and cash equivalents at the beginning of the reporting period	9	2,162,913	1,899,504
<b>Cash and cash equivalents at the end of the reporting period</b>		<b>2,352,039</b>	<b>2,162,913</b>

The notes at pages 11 to 14 form part of these accounts.

## NOTES TO THE FINANCIAL STATEMENTS

### 1 Accounting Policies

The following accounting policies set out the basis upon which the financial statements have been prepared and explain the accounting treatment of both general and specific items.

#### a) Basis of Preparation

The accounts (financial statements) have been prepared under the historical cost convention with items recognised at cost or transaction value unless otherwise stated in the relevant note(s) to these accounts. The financial statements have been prepared in accordance with the Statement of Recommended Practice: Accounting and Reporting by Charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) issued in October 2019 and the Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland (FRS 102), the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended).

#### b) Income recognition

All income is recognised once the charity has entitlement to the income, it is probable that the income will be received and the amount of income receivable can be measured reliably.

#### c) Expenditure recognition

Liabilities are recognised as expenditure as soon as there is a legal or constructive obligation committing the charity to that expenditure, it is probable that settlement will be required and the amount of the obligation can be measured reliably.

All expenditure is accounted for on an accruals basis.

#### d) Tangible fixed assets and depreciation

All assets costing more than £6,000 are capitalised and valued at historical cost. Depreciation is charged on a straight-line basis over their estimated useful lives, from the first full operational year following acquisition. Assets with a cost over £1m are componentised and depreciated as follows:

Component	% of cost	Useful life
Building structure	50	50
Building roof	10	35
Kitchens & Boilers	15	15
Bathrooms & Radiators	15	30
Building Externals	10	45
<b>Total</b>	<b>100</b>	

The cost of Land is not depreciated.

#### e) Investments

There are no external investments, rather all surplus funds are deposited with Dundee City Council's Loans Fund. All such deposits are valued at historical cost in the Balance Sheet.

#### f) Going Concern

The accounts are prepared on the going concern basis as it is considered by the trustees that the Fleming Trust is financially sustainable for the foreseeable future.

## 2 Change in Accounting Policy

2022/23 is the first year that the Fleming Trust accounts were prepared on the basis of the Statement of Recommended Practice: Accounting and Reporting by Charities in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) issued in October 2019 and the Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland (FRS 102).

As at 1 April 2022, we have adopted and incorporated into the accounts the following FRS102 transition provisions and requirements:

- to use the previous revalued carrying values for tangible assets (£6,463,000 as at 31 March 2022) as deemed cost as at the transition date of 1 April 2022
- Tangible assets were previously carried at a revaluation basis which resulted in a Revaluation Reserve of £6,463,000 as at 31 March 2022. Following the adoption of the cost model for tangible assets permitted under FRS102, the Revaluation Reserve balance was absorbed into Endowment Funds.
- Depreciation has been applied from 1 April 2022 in accordance with the accounting policy disclosed above
- Presentation of comparative (2021/22) figures has been amended to ensure compliance with the Statement of Recommended Practice: Accounting and Reporting by Charities in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) issued in October 2019

## 3 Assumptions made about the future and other major sources of estimation uncertainty

The Annual Accounts contain estimated figures that are based on assumptions made about the future or that are otherwise uncertain. Because these balances cannot be determined with certainty, actual results could be materially different from the assumptions and estimates. The items in the Fleming Trust's Balance Sheet at 31 March 2023 for which there is a significant risk of material adjustment in the forthcoming financial year are as follows:

Item	Uncertainties	Effect if Actual Results Differ from Assumptions
Property, Plant and Equipment	Assets are depreciated over estimated useful lives in accordance with Accounting Policy. The estimates are made taking into account historical experience.	If the useful life of assets is reduced, depreciation increases and the carrying amount of the assets falls. It is estimated that the annual depreciation charge for buildings would increase by £4,600 for every year that useful lives had to be reduced.

## 4 Analysis of Tangible Fixed Assets

	Land and buildings	Assets under construction	Total
	£	£	£
<b>Cost</b>			
At 1 April 2022	6,463,000	-	6,463,000
Additions	618,603	1,346,242	1,964,845
Disposals	-	-	-
Transfers	-	-	-
<b>At 31 March 2023</b>	<b>7,081,603</b>	<b>1,346,242</b>	<b>8,427,845</b>

<b>Depreciation</b>			
At 1 April 2022	-	-	-
Charge for the year	153,196	-	153,196
Eliminated on disposals	-	-	-
<b>At 31 March 2023</b>	<b>153,196</b>	<b>-</b>	<b>153,196</b>
<b>Net book value</b>			
<b>At 31 March 2023</b>	<b>6,928,407</b>	<b>1,346,242</b>	<b>8,274,649</b>
<b>At 31 March 2022</b>	<b>6,463,000</b>	<b>-</b>	<b>6,463,000</b>

**5 Debtors**

Relates to rent receivable at year end.

**6 Investments**

Relates to amounts invested, and held by, Dundee City Council's Loans Fund.

**7 Creditors**

Relates to amount due to Dundee City Council to cover cost of the new dwellings at Derby Street £1,965,845 (2021/22: £nil) and other reimbursements payable to Dundee City Council £235,736 (2021/22: £174,397) as well as the audit fee of £1,732 (2021/22: £nil).

**8 Investment Income**

There are no external investments, rather all surplus funds are deposited with Dundee City Council's Loans Fund. Interest receivable is based on the Loans Fund interest on revenue balances (IORB) rate and is paid twice yearly. The average IORB rate during 2022/23 was 1.59% (2021/22: 0.13%).

**9 Cashflow Statement: cash and cash equivalents**

The balance of cash and cash equivalents is made up of the following elements:

	<b>31 March 2023</b>	<b>31 March 2022</b>
	<b>£</b>	<b>£</b>
Investments held with Dundee City Council's Loans Fund	1,908,157	1,508,157
Cash at Bank and in hand	443,882	654,756
<b>Total cash and cash equivalents</b>	<b>2,352,039</b>	<b>2,162,913</b>

**10 Related Party Transactions**

During 2022/23, all surplus funds were deposited with Dundee City Council's Loans Fund. At 31 March 2023, a total balance of £1,908,157 (31 March 2022: £1,508,157) was held with Dundee City Council. Investment income of £30,030 (2021/22: £1,742) was received from Dundee City Council's Loans Fund during 2022/23. Refer also to Creditors note for balances payable to Dundee City Council.

**11 Events After the Reporting Period**

There were no events that occurred between 1 April 2023 and 25 October 2023 that would require adjustment to the 2022/23 financial statements. The latter date is the date on which the audited accounts were authorised for issue by the Senior Councillor with responsibility for Finance.

**12 Parent Entity**

The Fleming Trust is a subsidiary of Dundee City Council, a local authority established under the Local Government etc. (Scotland) Act 1994. Copies of the Group Accounts of Dundee City Council can be obtained from the contact listed on page 6.

## **Independent auditor's report to the trustees of Fleming Trust and the Accounts Commission**

### **Reporting on the audit of the financial statements**

#### **Opinion on financial statements**

I certify that I have audited the financial statements in the statement of accounts of Fleming Trust for the year ended 31 March 2023 under Part VII of the Local Government (Scotland) Act 1973 and section 44(1)(c) of the Charities and Trustee Investment (Scotland) Act 2005. The financial statements comprise the Statement of Financial Activities, the Balance Sheet, the Cashflow Statement, and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and the United Kingdom Accounting Standards, including Financial Reporting Standard 102 The Financial Reporting Standard applicable in the UK and Republic of Ireland (United Kingdom Generally Accepted Accounting Practice).

In my opinion the accompanying financial statements:

- give a true and fair view of the state of affairs of Fleming Trust as at 31 March 2023 and of its incoming resources and application of resources for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Charities and Trustee Investment (Scotland) Act 2005, and regulation 8 of The Charities Accounts (Scotland) Regulations 2006.

#### **Basis for opinion**

I conducted my audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the [Code of Audit Practice](#) approved by the Accounts Commission for Scotland. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the charity in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### **Conclusions relating to going concern basis of accounting**

I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the charity's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.



## **Responsibilities of the trustees for the financial statements**

As explained more fully in the Statement of Trustees Responsibilities, the trustees are responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the trustees determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the trustees are responsible for assessing the charity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the trustees intend to discontinue the charity's operations, or have no realistic alternative but to do so.

## **Auditor's responsibilities for the audit of the financial statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities outlined above to detect material misstatements in respect of irregularities, including fraud. Procedures include:

- using my understanding of the local government sector and charity sector to identify that the Local Government (Scotland) Act 1973, the Charities and Trustee Investment (Scotland) Act 2005, and the Charities Accounts (Scotland) Regulations 2006 are significant in the context of the charity;
- inquiring of the Trustees as to other laws or regulations that may be expected to have a fundamental effect on the operations of the charity;
- inquiring of the Trustees concerning the charity's policies and procedures regarding compliance with the applicable legal and regulatory framework;
- discussions among my audit team on the susceptibility of the financial statements to material misstatement, including how fraud might occur; and
- considering whether the audit team collectively has the appropriate competence and capabilities to identify or recognise non-compliance with laws and regulations.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the charity's controls, and the nature, timing and extent of the audit procedures performed.

Irregularities that result from fraud are inherently more difficult to detect than irregularities that result from error as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the

skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

## **Reporting on other requirements**

### **Other information**

The trustees are responsible for the other information in the statement of accounts. The other information comprises the Trustees' Annual Report.

My responsibility is to read all the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon except on the Trustees' Annual Report to the extent explicitly stated in the following opinion prescribed by the Accounts Commission.

### **Opinions prescribed by the Accounts Commission on the Trustees' Annual Report**

In my opinion, based on the work undertaken in the course of the audit, the information given in the Trustees' Annual Report for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Charities SORP (FRS 102).

### **Matters on which I am required to report by exception**

I am required by The Charity Accounts (Scotland) Regulations 2006 to report to you if, in my opinion:

- proper accounting records have not been kept; or
- the financial statements are not in agreement with the accounting records; or
- I have not received all the information and explanations I require for my audit.

I have nothing to report in respect of these matters.

## **Use of my report**

This report is made solely to the parties to whom it is addressed in accordance with Part VII of the Local Government (Scotland) Act 1973 and for no other purpose. In accordance with paragraph 108 of the Code of Audit Practice, I do not undertake to

have responsibilities to members or officers, in their individual capacities, or to third parties.

**Richard Smith CPFA  
Senior Audit Manager,  
Audit Scotland,  
4<sup>th</sup> Floor, South Suite,  
The Athenaeum Building,  
8 Nelson Mandela Place,  
Glasgow,  
G2 1BT**

Richard Smith is eligible to act as an auditor in terms of Part VII of the Local Government (Scotland) Act 1973.

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