

# Heighington Parish Council

## FINANCIAL REGULATIONS

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- 11.1 - Correction of procurement thresholds (applicable from January 2024)

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- 11.1.c - Correction of procurement thresholds (applicable from January 2022)

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Details of amendments:

- Document version control introduced
- Review against NALC Model Financial Regulations for England, 2019 and SLCC example Financial Regulations, 2020
- Minor grammatical and formatting corrections
- Numbering corrected
- Consistent terminology when referring to councillors
- Cross-check against the Model for all clauses 'intentionally left blank'
- 1.6 – rewording in line with Model
- 1.10 – removed reference to specific version of Accounts and Audit Regulations
- 1.13 – rewording in line with Model
- 3.2 – amended from December to January
- 4.5 – amended from £500 to £750
- 5 – removed reference to committee
- 5.2 – amended in line with current process
- 5.6 – amended from 'superannuation fund' to 'pension'
- 5.7 – removed reference to emergency delegation arrangements for payments (now covered under 5.2)
- 5.9 – added 'or other' interest, as per Model (and in line with Code of Conduct)
- 6.2 – amended to 'clerk or RFO'
- 6.3 – BACS is now the main payment method
- 6.6 – clause from Model put back in
- 6.12 – added reference to bank's terms and conditions
- 6.13 – backups are in the cloud
- 6.14 – added reference to anti-virus and security updates
- 6.15 – added reference to the Clerk and Administrative Assistant
- 6.16 – added back in clause from Model (breach of regulation)
- 6.20 – added in clause from Model (credit card)
- 6.21 – removed 'in cash'; expenses reimbursed as soon as practical

- 7.5 – clause from Model put back in
- 7.8 – clause from Model put back in
- 9.8 – ‘quarterly’ instead of ‘at least annually’
- 10.1 – amended to reference ‘as per retention schedule’
- 10.3 – corrected reference to 11.1
- 11 - Reverted to wording in Model
- 15.2 – clause from Model put back in
- 15.5 – removed reference to Extraordinary Emergency Committee decision from 1<sup>st</sup> April 2020
- 17.1 – added Clerk

Date approved: 27/09/22

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Details of amendments: Annual review.

Date approved: Last approved at Full Council on 09/05/22.

## **1. GENERAL**

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
- for the timely production of accounts
  - that provide for the safe and efficient safeguarding of public money
  - to prevent and detect inaccuracy and fraud
  - identifying the duties of officers
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices
- 1.6 A breach of these Regulations by an employee may give rise to disciplinary procedures.
- 1.7 Councillors are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.
- 1.9 The RFO:

- acts under the policy direction of the Council
- administers the Council's financial affairs in accordance with all Acts, regulations and proper practices
- determines on behalf of the Council its accounting records and accounting control systems
- ensures the accounting control systems are observed
- maintains up to date accounting records of the Council in accordance with proper practices
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources
- produces financial management information as required by the Council.

1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations (England).

1.11 The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate
- a record of the assets and liabilities of the Council
- wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12 The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records
- measures to ensure that risk is properly managed.

1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular, any decisions regarding any of the following matters:

- setting the final budget or the precept (Council Tax requirement)
- approving accounting statements
- approving an annual governance statement
- borrowing
- writing off bad debts
- declaring eligibility for the General Power of Competence
- addressing recommendations in any report from the internal or external auditors.

All such decisions shall be a matter for the full Council only.

1.14 In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts
- approve any grant or a single commitment in excess of £5000
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by any relevant committee in accordance with its terms of reference.

1.15 In these Financial Regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998 or any superseding legislation then in force unless otherwise specified.

In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils – a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society of Local Council Clerks (SLCC).

## **2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)**

2.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2 On a regular basis, at least once in each quarter, and at each financial year end, a councillor other than a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The councillor shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. On conclusion, this activity together with any exceptions, shall be reported to and noted by the Council.

- 2.3 The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Governance & Accountability Return (AGAR) (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4 The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or councillor of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6 The internal auditor shall:
- be competent and independent of the financial operations of the Council
  - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year
  - demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships
  - have no involvement in the financial decision making, management or control of the Council.
- 2.7 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council
  - initiate or approve accounting transactions
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8 For the avoidance of doubt, in relation to internal audit the terms ‘independent’ and ‘independence’ shall have the same meaning as is described in proper practices.
- 2.9 The RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and

display or publish any notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.

- 2.10 The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1 As appropriate, each spending committee shall review its forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of November each year including any proposals for revising the forecast.
- 3.2 The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Council.
- 3.3 The Council shall consider annual budget proposals in relation to the Council's forecasts of revenue and capital receipts and payments for subsequent years including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4 The Council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year at such dates as required by the billing authority. The RFO shall issue the precept to the billing authority and shall supply each Member with a copy of the approved annual budget.
- 3.5 The approved annual budget shall form the basis of financial control for the ensuing year.

### **4 BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 4.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £5,000
  - a duly delegated committee of the Council for items over £500
  - the clerk, in conjunction with the chairman of the Council or the chairman of the appropriate committee, for items below £500



Such authority is to be evidenced by a minute and/or by an authorisation slip duly signed by two Councillors, who shall be signatories on the main bank account. Orders or contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3 Except where agreed otherwise, unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4 Salary budgets are to be reviewed at least annually in the period October to December for the following financial year and such review shall be evidenced by a hard copy schedule signed by the clerk and the chairman of Council or duly delegated committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5 In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £750. The clerk shall report such action to the chairman of the Council as soon as possible and to the Council as soon as practicable thereafter.
- 4.6 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and, if applicable, the requisite borrowing approval has been obtained.
- 4.7 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.
- 4.8 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of 15% of the budget.

- 4.9 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The Council may seek credit references in respect of councillor or employees who act as signatories (for example, where these have not been sought by the relevant bank).
- 5.2 Subject to clause 5.6 the RFO shall, ad hoc as required, prepare a schedule of payments requiring authorisation and, together with the relevant invoices, present this to two councillors who are designated signatories on the bank. They shall review the schedule for compliance and, having satisfied themselves, it shall be authorised and signed off. The payments are then entered on the bank account for approval. A schedule of all payments shall then form part of the agenda for the meeting and be presented to Council for approval by resolution. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payments made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3 All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously authorised.
- 5.4 The RFO shall examine invoices for arithmetical accuracy and apportion them to the appropriate expenditure heading. The RFO shall take all steps to promptly pay all invoices submitted, and which are in order in accordance with clause 6.
- 5.5 The clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled meeting of council, where the clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

- c) Fund transfers within the Council's banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

- 5.6 For each financial year the clerk and RFO shall draw up a list of due payments (routine expenditure) which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, salaries, PAYE and NI, pension and regular maintenance contracts and the like for which Council or a duly authorised committee may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council or committee.
- 5.7 Except in respect of direct debits and banker's standing orders, a record of regular payments made under clause 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8 Any grants shall be subject to ratification by the Council.
- 5.9 Councillors are bound by the Code of Conduct as adopted by the Council and shall not be present in the room when any decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10 The Council may rotate the duties of councillors within these regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11 Any changes in the recorded details of suppliers, such as bank account records, shall be carefully validated and approved by two councillors at the point of authorising the next payment.

## **6. INSTRUCTIONS FOR THE MAKING AND AUTHORISATION OF PAYMENTS**

- 6.1 The Council will make safe and efficient arrangements for making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by BACS or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated Committee.

- 6.4 All cheques or orders for payment shall be signed by two councillors. If a councillor who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that councillor shall be required to consider standing orders and thereby determine whether it is appropriate and/or permissible to be a signatory to the transaction in question.
- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial both the cheque counterfoil and the applicable associated documentation (invoice, order or voucher).
- 6.6 Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to council, at the next convenient meeting.
- 6.7 If thought appropriate by the Council, payment for certain supplies (e.g. utility services energy, telephone and water) and any national non-domestic rates may be made by variable direct debit provided that the instructions are signed by two councillors and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8 If thought appropriate by the Council, payment for certain items may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two councillors are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9 If thought appropriate by the Council, payment for certain items may be made by BACS, CHAPS or similar methods provided that the instructions for each payment are signed, or otherwise evidenced, by two councillors are retained and any payments are reported to Council as made. The approval of the use of such methods shall be renewed by resolution of the Council at least every two years.
- 6.10 If thought appropriate by the Council, payment for certain items may be made by internet banking transfer provided that the instructions for each payment are signed, or otherwise evidenced, by two councillors are retained and any payments are reported to Council as made. The approval of the use of internet banking transfer shall be renewed by resolution of the Council at least every two years.
- 6.11 Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and passwords and shall be handed to and retained by a duly

designated member or members in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and/or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all councillors immediately and formally to the next available meeting of the Council. This will not be required for a councillor's personal computer used only for some remote authorisation arrangement of the Council.

- 6.12 No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee. Disclosure of banking credentials by an individual is in breach of the bank's terms and conditions.
- 6.13 Regular back-up copies of the records on any computer shall be made and shall be stored securely, online in the cloud.
- 6.14 The Council, and any members using computers for the Council's financial business, shall take reasonable steps to ensure that such arrangements are secure. This shall include the use of appropriate anti-virus software and regular security updates.
- 6.15 Where internet banking arrangements are made with any bank, the RFO shall be appointed as the service administrator. The Clerk and Administrative Assistant will be set up as users. The bank mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the service administrator alone, or by the service administrator with a stated number of prior approvals.
- 6.16 Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these Regulations.
- 6.17 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for the change signed by two councillors at the point of authorising the next payment. A programme of regular checks of supplier data will be followed.
- 6.18 [This clause is unused and is intentionally left blank.]
- 6.19 [This clause is unused and is intentionally left blank.]
- 6.20 Any corporate credit card or trade account opened by the council will be specifically restricted to us by the Clerk, RFO and Admin Assistant and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

- 6.21 The Council will not maintain any form of cash float. All cash received must be banked intact. Any approved incidental payments made by the Clerk, RFO, other officer or councillor (for example for postage or minor stationery items) shall be refunded on as soon as practical.

## **7 PAYMENT OF SALARIES**

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and national insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and national insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 7.2 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to next available Council meeting, as set out in these regulations above.
- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council or duly delegated committee.
- 7.4 Whilst each and every payment to employees of net salary shall be recorded by the RFO, such confidential records shall not open to inspection or review (under the Freedom of Information Act or otherwise) other than:
- a) by any councillor who can demonstrate a need to know
  - b) by the internal auditor
  - c) by the external auditor
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6 [This clause is unused and is intentionally left blank.]
- 7.7 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8 Before employing interim staff, the council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1 All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 8.2 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as hire purchase or leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3 [This clause is unused and is intentionally left blank.]
- 8.4 All loans and investments shall be negotiated in the name of the Council and shall be for a set period determined by the Council.
- 8.5 The Council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Investment Policy shall be periodically reviewed by the Council.
- 8.6 All investments of money under the control of the Council shall be in the name of the Council.
- 8.7 All certificates and other documents relating to loans and investments shall be retained in the custody of the RFO.
- 8.8 Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9 INCOME**

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all fees or charges to be made for rent, work done, services rendered, or goods supplied shall be agreed annually by the Council or duly delegated committee. The RFO shall be responsible for the collection of all accounts due to the Council.

- 9.3 The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable, and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip or deposit record as appropriate.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made quarterly.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10 [This clause is unused and is intentionally left blank.]

## **10 ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1 As far as possible, an official order, letter or email shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders, where issued, shall be retained as per the retention schedule. Where the Council determines that formal contract tendering is appropriate or where this is required for a particular supply of work, goods or services, the provisions of clause 11 shall apply alongside this clause 10 and Standing Order 18.
- 10.2 Any order books shall be controlled by the RFO.



- 10.3 All councillors and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4 No councillor may issue an official order nor make any contract on behalf of the Council.
- 10.5 Prior to placing an order, the RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

## **11 CONTRACTS**

- 11.1 Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - (i) for the supply of gas, electricity, water, sewerage and telecommunication services
    - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants
    - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
    - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council
    - (v) for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council)
    - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
  - (b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts

Regulations 2015 (“the Regulations”) which is valued at £30,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>.

- (c) The full requirements of The regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EA (which may change from time to time).<sup>2</sup>
- (d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (e) Such invitation to tender shall state the general nature of the intended contract and the clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (f) All sealed tenders for a particular project shall be opened at the same time on the prescribed date by the clerk in the presence of at least one councillor.
- (g) Any invitation to tender issued under this regulation shall be subject to Standing Orders (18d) and shall refer to the terms of the Bribery Act 2010.
- (h) When it is to enter into a contract of less than £30,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 shall apply.
- (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

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<sup>1</sup> The Regulations require councils to use the Contract Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts.

<sup>2</sup> Thresholds currently applicable are:

- a) For public supply and public service contracts £214,904 (January 2024)
- b) For public works contracts £5,372,609 (January 2024)

- (j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated, and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13 STORES AND EQUIPMENT**

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## **14 ASSETS, PROPERTIES AND ESTATES**

- 14.1 The clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a

record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2 No tangible movable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council or appropriate committee, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

14.3 No real property (that is an interest in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate, as determined by the Council).

14.4 No real property (that is an interest in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate, as determined by the Council).

14.5 Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.

14.6 The RFO shall ensure that an appropriate and accurate register of assets and investments is kept up to date. The continued existence of tangible assets shown in the register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15 INSURANCE**

15.1 Following the annual risk assessment in accordance with clause 17, the RFO shall effect all insurances and negotiate all claims on the Council's insurers.

15.2 The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

- 15.3 The RFO shall keep a record of all insurances affected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The RFO shall be notified of any loss, liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 15.5 All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, or duly delegated committee.

## **16 RISK MANAGEMENT**

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 16.2 When considering any new activity, the clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **17 SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 17.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2 The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded, are lawful and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.