

# **FLITWICK TOWN COUNCIL**

## **FINANCIAL REGULATIONS**

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These Financial Regulations were adopted by the Council at its Meeting held on 16<sup>th</sup> April 2019

## 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<sup>1</sup> 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; and
  - 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. Members of Council 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.
- 1.7. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.

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<sup>1</sup> Model standing orders for Councils are available in Local Councils Explained © 2013 National Association of Local Councils

1.8. 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 the accounting records of the Council up to date in accordance with proper practices;
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the Council.

1.9. 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<sup>2</sup>.

1.10. 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; and
- 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.

1.11. The accounting control systems determined by the RFO shall include:

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<sup>2</sup> In England - Accounts and Audit (England) Regulations 2011/817  
In Wales - Accounts and Audit (Wales) Regulations 2005/368

- 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; and
- measures to ensure that risk is properly managed.

1.12. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- 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; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full Council only.

1.13. In addition the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts annually;

- approve any grant or a single commitment that is not specifically contained in the budget or covered by other financial regulations in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.

1.14. 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, and 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 for Local Council Town Clerks (SLCC) or *Governance and Accountability for Local Councils in Wales - A Practitioners' Guide*, available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

## **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 The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (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.
- 2.3 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 member 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.

- 2.4 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.
- 2.5 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; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.6 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.7 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.
- 2.8 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, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.9 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 Each 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 January each year including any proposals for revising the forecast].
- 3.2 The RFO must each year, by no later than January 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 relevant committee and the Council.
- 3.3 The Business Services Committee BSC shall consider annual budget proposals in relation to the Council's actual forecast of revenue and capital receipts and payments having regard to the budget including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4 A group comprising of the Town Mayor, Deputy Town Mayor and the Chairmen of all the committees shall meet to finalise the proposed precept for the commencing year and submit to the January Council meeting.
- 3.5 The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.6 The approved annual budget shall form the basis of financial control for the ensuing year.

### **4 BUDGETARY CONTROL**

- 4.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget. Committees can make decisions at their meetings and the RFO can carry out identified expenditure without reference again to the Council.
- 4.2 Expenditure may arise that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year the BSC will review the situation 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.

- 4.3 The RFO shall ensure that the BSC is provided with a monthly 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, the BSC shall then give a written report to the Council.
- 4.4 The RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £25,000. The Town Clerk shall report the action to the BSC as soon as practicable thereafter.
- 4.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an Earmarked reserve by resolution of the Council.
- 4.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the BSC is satisfied that the necessary funds are available, or 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.

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

- 5.1 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 £25,000 (SEE 3.1)
  - a duly delegated committee of the Council for items over £25,000; or

Such authority is to be evidenced by a Minute or by an authorisation slip duly signed by the Town Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 5.2 No expenditure may be authorised that will exceed 10% of 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').

- 5.3 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 5.4 The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Town Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 5.5 In cases of extreme risk to the delivery of Council services, the Town Clerk may authorise revenue expenditure on behalf of the Council which in the Town 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 £500. The Town Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.
- 5.6 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 the requisite borrowing approval has been obtained.
- 5.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 5.8 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.
- 5.9 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **6 BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 6.1 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.
- 6.2 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 approved by the Council.
- 6.3 The delegated appropriate member of staff shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, within our normal credit terms.
- 6.4 In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any Policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 6.5 Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a 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.
- 6.6 The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

## **7 INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 7.1 The Council will make safe and efficient arrangements for the making of its payments.
- 7.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Town Clerk or RFO shall give instruction that a payment shall be made.

- 7.3 Cheques or orders for payment drawn on the bank account in accordance with the schedule shall be signed by two members of Council. If a member 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.
- 7.4 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 the cheque counterfoil.
- 7.5 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 the RFO 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 the Chairman of the Business Services Committee immediately and formally to the next available meeting of the Committee. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 7.6 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.
- 7.7 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 7.8 The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 7.9 Where internet banking arrangements are made with any bank, the Town Clerk/ RFO shall be appointed as the Service Administrator.
- 7.10 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.

- 7.11 Any Debit Card issued for use will be specifically restricted to the Town Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by Council or finance committee in writing before any order is placed.
- 7.12 A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council BSC. Transactions and purchases made will be reported to the BSC and authority for topping-up shall be at the discretion of the BSC.
- 7.13 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Town Clerk/RFO and the Senior Finance & HR Officer and shall be subject to automatic payment in full at each month-end.
- 7.14 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of £800 for the purpose of defraying operational and other expenses, additional floats can be taken out for larger events when necessary up to the value of £500. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

## **8 PAYMENT OF SALARIES**

- 8.1 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 salaries shall be as agreed annually by Council from a recommendation by the Personnel Panel, unless circumstances require a change during the financial year, on recommendation from the Personnel Panel.

- 8.2 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance, pension contributions, or similar statutory or discretionary deductions and union fees as applicable, must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, as set out in these regulations above.
- 8.3 No significant or permanent changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Personnel Panel and approved by the Town Council.
- 8.4 Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any member of the Personnel Panel who can demonstrate a need to know;
  - b) by the internal auditor
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 8.5 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Town Council.
- 8.6 Before employing interim contract staff the relevant committee of the Town Council must consider a full business case.

## **9 LOANS AND INVESTMENTS**

- 9.1 All borrowings shall be effected 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.
- 9.2 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 on recommendation of the appropriate committee. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

- 9.3 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council decisions as required.
- 9.4 The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 9.5 All investments of money under the control of the Council shall be in the name of the Council.
- 9.6 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO in a suitable fire cabinet.

## **10 INCOME**

- 10.1 The collection of all sums due to the Council shall be the responsibility of the RFO.
- 10.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be reviewed and agreed annually by the BSC. The RFO shall be responsible for the collection of all accounts due to the Council.
- 10.3 The Council will review all fees and charges, for Council services, at least annually, following a report of the relevant Officer.
- 10.4 Any sums found to be irrecoverable and any bad debts shall be recorded in the annual accounts and therefore reported to the BSC and shall be written off at the end of the financial year.
- 10.5 All sums received on behalf of the Council shall be banked intact by or 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.
- 10.6 The origin of each receipt shall be entered on the receipts record.
- 10.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 10.8 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.

10.9 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 (£500 minimum) 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.

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

11.1 An official order or letter 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 shall be retained.

11.2 Order books shall be controlled by the RFO and orders shall be signed by the Town Clerk or RFO for amounts up to £25,000 however when the Town Council has resolved to place an order in excess of this amount the Town Clerk will sign the order as directed. In the absence of the Town Clerk or RFO (holidays or long-term sickness) the Assistant Town Clerk or Amenities Officer is to be the order signatory for that period.

11.3 Other staff members are permitted to sign orders within the limit set or for specific items:

- a) The Assistant Town Clerk or the Amenities Officer in the absence of both the Town Clerk and RFO for orders up to £5000. If order exceeds this amount guidance and a written agreement should be sought from the Town Mayor.
- b) Grounds Team Leader for expenditure under £100 in the Community Services budget.
- c) Catering Co-ordinator for catering orders up to £300.
- d) Site Agent – for maintenance and emergency repairs can sign orders up to £500 within the Business Services budget.
- e) Functions Co-ordinator – can sign orders for items to be recharged against an event or function up to £500.
- f) Bookings Officer – can sign orders for catering and refreshments where this is relevant to a booking up to £500.

11.4 All Members 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 minimus provisions in Regulation 11(l) below.

11.5 Where a member or employee is related to someone who works for a company which provides goods or services to the Town Council, quotations would be sought from two additional companies, these would be dealt with by an independent member of staff in a sealed bid situation.

11.6 No Member may issue an official order or make any contract on behalf of the Council.

11.7 The Council, where possible, will use local suppliers.

## **12 CONTRACTS**

12.1 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 these regulations shall not apply to contracts which relate to items (i) to (vi) below:
  - (i) for the supply of gas, electricity, water, sewerage and telephone services; for specialist services such as are provided by the District Valuer, solicitors, accountants, surveyors and planning consultants;
  - (ii) 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;
  - (iii) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - (iv) for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice Chairman of Council);
  - (v) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

- (b) Where it is intended to enter into a contract exceeding £60,000 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 RFO shall invite tenders from at least three companies to be taken from the appropriate approved list.
- (c) 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.
- (d) Such invitation to tender shall state the general nature of the intended contract and the RFO 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 RFO 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.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one Member of Council.
- (f) If less than three tenders are received for contracts above £60,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders.
- (h) When the Town Council is to enter into a contract between £5,000 and £60,000 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 RFO shall obtain 3 quotations (priced descriptions/specifications of the proposed supply).
- (i) Where the value is below £5,000 the RFO shall strive to obtain 3 estimates or will place the order with an approved contractor.
- (j) The Council shall not be obliged to accept the lowest of any tender, quote or estimate.

- (k) Contracts and equipment and maintenance agreements can only be issued by the Town Clerk or RFO on authority of the Town Council.
- (l) Members must not enter into any contracts on behalf of the Town Council either oral or written. Members who enter into contracts in contravention of this policy will be liable for all costs incurred.
- (m) 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.
- (n) The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

### **13 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 13.1 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).
- 13.2 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 by 5% or more a report shall be submitted to the Council.
- 13.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and RFO to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

### **14 STORES AND EQUIPMENT**

- 14.1 A delegated Officer shall be responsible for the stores and equipment relating to their team and shall maintain such stocks as consistent with minimum operating requirements.

- 14.2 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.
- 14.3 The RFO shall be responsible for ensuring that checks of stocks and stores are carried out at least annually.

## **15 ASSETS, PROPERTIES AND ESTATES**

- 15.1 The RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry certificates of properties and land owned by the Council. The RFO shall ensure a record is maintained of all properties and land owned 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.
- 15.2 No tangible moveable property shall be sold, leased or otherwise disposed of without the authority of the Council, 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.
- 15.3 No real property (interests in land) shall be sold, leased or 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).
- 15.4 No real property (interests in land) shall be purchased or acquired without the authority of the full 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).
- 15.5 Subject only to the limit (in line with 10.3 and 10.4) 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.
- 15.6 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.

## **16 INSURANCE**

- 16.1 Following a risk assessment which shall be reviewed annually (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 16.2 All officers 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.
- 16.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 16.4 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 BSC at the next available meeting.
- 16.5 All appropriate employees and Members of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council and reviewed by the Business Services Committee annually.

## **17 CHARITIES**

- 17.1 Where the Council is sole trustee of a Charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **18 RISK MANAGEMENT**

- 18.1 The Council is responsible for putting in place arrangements for the management of risk. The RFO 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.

- 18.2 When considering any new activity, the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **19 REVISION OF FINANCIAL REGULATIONS**

- 19.1 It shall be the duty of the BSC at least once in each Council term to review the Financial Regulations of the Council. The 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.
- 19.2 The Council may, by resolution of the Council duly notified prior to the relevant meeting of the Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of the Council.