



# **NORTH TUDDENHAM PARISH COUNCIL FINANCIAL REGULATIONS**

**Reviewed amended and readopted by the Council at its meeting on 12<sup>th</sup> July 2022**

## **CONTENTS**

1. GENERAL 3
2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)
3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND
5. BANKING ARRANGEMENTS AND AUTHORITY TO SPEND
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS
7. LOANS AND INVESTMENTS
8. INCOME
9. ORDERS FOR WORK, GOODS AND SERVICES
10. CONTRACTS
11. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS
12. ASSETS, PROPERTIES AND ESTATES
13. INSURANCE
14. CHARITIES
15. RISK MANAGEMENT
16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

## **. General**

1. 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.
2. 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.
3. 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
  - ● identify the duties of officers.
4. 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.



5. 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.
6. 1.6. All staff must operate within these regulations. Breaches could lead to the Council's actions being called into question by auditors and members of the public and to challenges concerning the legality of those actions. Wilful breaches which seriously damage the Council's reputation, or lead to financial gain for the officer concerned will be dealt with as gross misconduct. Other breaches may result in disciplinary action.
7. 1.7. Members of the 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.
8. 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.
9. 1.9. The RFO: -
  - ● acts under the policy discretion 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.
10. 3 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 and the Audit and Accountability Act 2014.
11. 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; 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.
12. 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 reasonable 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.
13. 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decisions regarding: -
- ● setting the final budget or the precept (council tax requirement);
  - ● approving accounting statements;
  - ● approving an annual governance statement;
  - ● borrowing;
  - ● writing off bad debt;
  - ● 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.
14. 1.14. In addition the council must: -
- ● determine and keep under regular review the bank mandate for all council accounts;
  - ● Approve any grant or a single commitment in excess £100
15. 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 £100
  - ● In respect of the annual salary of any employee have regard to recommendations about annual salaries of employees made by any relevant committee in accordance with its terms of reference.
16. 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, 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 Clerks (SLCC).

#### **4 . Accounting and Audit (Internal and External)**

1. 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. 2.2. At each quarter of the financial year the clerk shall verify bank reconciliations produced by the RFO. The clerk shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions to and noted by the council.
3. 2.3. 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 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.



4. 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 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.
5. 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.
6. 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;
  - • to 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.
7. 2.7. 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.
8. 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.
9. 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, or any superseding legislation, and the Accounts and Audit Regulations.
10. 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

## **5 Annual Estimates (Budget) and Forward Planning**

1. 3.1. 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 full council.
2. 3.3. 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 or the date specified by the billing authority, whichever is the earlier. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
3. 3.3. 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 or the date specified by the billing authority, whichever is the earlier. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.



4. 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

#### **4. Budgetary control and authority to spend**

1. 4.1. Expenditure on revenue items outside the normal day to day operations of the Council 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 £2000;
  - • The RFO, in conjunction with the Chairman of the Council, for any items below £1,000.Such authority is to be evidenced by a Minute or by an authorization slip duly signed by the Clerk or RFO, and where necessary also by the Chairman. Contracts may not be disaggregated to avoid controls imposed by these regulations.
2. 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. 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').  
  
4.3a When the RFO is also a serving Councillor, effective segregation between roles shall be maintained; two signatories are required for cheque payments – currently RFO and Chairman. To minimise conflict of interest, the RFO (if a serving Councillor) shall not PROPOSE expenditure, and will abstain in his voting rights as a Member from any vote to APPROVE expenditure; EXCEPT when the RFO's abstention would render the Council meeting non-quorate.
3. 4.3.b Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to reduce the budget of a subsequent year.
4. 4.4. The salaries budget is to be reviewed at least annually in January for the following financial year.
5. 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/or the requisite borrowing approval has been obtained.
6. 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

The RFO shall regularly provide the council with a statement of receipts and payments to date.

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

#### **Banking Arrangements and Authorisation of Payments**

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 RFO shall prepare a schedule of payments requiring authorisation, forming part of the agenda for the meeting and, together with the relevant invoices, present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved schedule shall be ruled off and initialled by the Chairman of the meeting. 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 payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

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.

The RFO 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, at the next available council Meeting.

The RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

1. 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;
2. 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; or

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 shall before payment, be subject to ratification by the council.

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.

Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **7 LOANS AND INVESTMENTS**

7.1. 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.



7.2. 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.

7.3. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.

7.4. 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. The Council shall seek appropriate advice before approving an Investment Strategy and Policy.

5. 7.5. All investments of money under the control of the council shall be in the name of the council.
6. 7.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
7. 7.7. 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).

## **8. INCOME**

1. 8.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO and chairman.
2. 8.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
3. 8.3. The council will review all fees and charges at least annually, following a report of the RFO.
4. 8.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
5. 8.5. 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.
6. 8.6. The origin of each receipt shall be recorded in the minutes.
7. 8.7. Personal cheques shall not be cashed out of money held on behalf of the council.
8. 8.8. 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 at least annually coinciding with the financial year end.
9. 8.9. If 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.



8.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 14 below).

## **9. ORDERS FOR WORK, GOODS AND SERVICES**

9.1. An official order authorised by the RFO 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.

Order books shall be controlled by the RFO.

9.3. 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 minimis* provisions in Regulation 10.1 below.

9.4. A member may not issue an official order or make any contract on behalf of the council.

9.5. 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.

## **10. CONTRACTS**

10.1. 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 specialist services such as are provided by 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 Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and  
for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

Where it is intended to enter into a contract exceeding £1000 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 shall invite tenders from at least three firms to be taken from the appropriate approved list.

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.

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.

All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

If less than three tenders are received for contracts above £25,000 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.

Any invitation to tender issued under this regulation shall be subject to the Standing Orders and shall refer to the terms of the Bribery Act 2010. When it is to enter into a contract of less than £25,000 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).

9. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
10. 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.
11. 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.

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

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).

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.



Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to advise the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

## **12. ASSETS, PROPERTIES AND ESTATES**

12.1 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.

12.2 No tangible moveable property shall be purchased or otherwise acquired, 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 £100.

12.3 No real property (interests 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).

12.4 No real property (interests 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).

12.5 Subject only to the limit set 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

12.6. 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.

## **13. INSURANCE**

13.1. Following the annual risk assessment , the RFO shall effect all insurances and negotiate all claims on the council's insurers, in consultation with the Clerk.

13.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

13.3. 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.



13.4. 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.

## **14. CHARITIES**

14.1. Where the council is sole managing trustee of a charitable body the Clerk 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 Clerk shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **15. RISK MANAGEMENT**

1. 15.1. 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.
2. 15.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

## **16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

1. 16.1. It shall be the duty of the council to review the Financial Regulations of the council annually. The Clerk 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.
2. 16.2. 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 and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

\*\*\*