



# *Credyton Town Council*

## *Financial Regulations*



LOCAL COUNCIL  
AWARD SCHEME  
QUALITY GOLD

Review: May 2023

# *Crediton Town Council*

The Financial Regulations were most recently approved and adopted for use on 27 April  
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By Resolution of the Town Council

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**Town Clerk & Responsible Financial Officer**

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## **1. General**

- 1.1. These financial regulations govern the conduct of financial transactions of the Town Council and may only be amended or varied by resolution of the Town Council. Financial regulations are one of the Town Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Town Council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The Town Council is responsible in law for ensuring that its financial management is adequate and effective and that the Town Council has a sound system of internal control which facilitates the effective exercise of the Town Council's functions, including arrangements for the management of risk.
- 1.3. The Town 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 Town Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Town 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 is gross misconduct.
- 1.7. Members of Town 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 Town Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Town Council. The Town Clerk has been appointed as RFO for this Town Council and these regulations will apply accordingly.
- 1.9. The RFO:
  - acts under the policy direction of the Town Council
  - administers the Town Council's financial affairs in accordance with all Acts, Regulations and proper practices
  - determines on behalf of the Town Council its accounting records and accounting control systems
  - ensures the accounting control systems are observed
  - maintains the accounting records of the Town Council up to date in accordance with proper practices
  - assists the Town Council to secure economy, efficiency and effectiveness in the use of its resources

- produces financial management information as required by the Town Council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Town 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 Town Council from time to time comply with the Accounts and Audit Regulations<sup>1</sup>.
- 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 Town 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 Town Council
  - wherever relevant, a record of the Town 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 Town 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 Town 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 Town 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
  - addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.
- 1.14. In addition the Town Council must:
- determine and keep under regular review the bank mandate for all Town Council bank accounts
  - approve any grant or a single commitment in excess of £5,000
  - 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

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<sup>1</sup> In England - Accounts and Audit (England) Regulations 2011/817

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, 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).

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

- 2.1. All accounting procedures and financial records of the Town 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, the Town Council will verify bank reconciliations (for all accounts) produced by the RFO. The Chair of the Town Council 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 Town Council.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Town 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 Town Council within the timescales set by the Accounts and Audit Regulations, for approval by resolution no later than 30 June each year.
- 2.4. The RFO shall be responsible for ensuring that there is an independent, adequate and effective system of internal audit of the Town Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Town Council shall, if the RFO or Internal Auditor requires, make available such documents of the Town Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 2.5. An internal auditor, who shall be competent and independent of the operations of the Town Council, shall be appointed by the Town Council. The Internal Auditor will report to the Town Council in writing as required.
- 2.6. The internal auditor shall:
- be competent and independent of the financial operations of the Town Council
  - report to Town 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

- have no involvement in the financial decision making, management or control of the Town Council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the Town Council
- initiate or approve accounting transactions
- direct the activities of any Town 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 required by 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, unless it is purely of an administrative nature.

### **3. Annual Estimates (Budget) and Forward Planning**

3.1. Each committee, if appropriate, 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 Town Council, no later than the end of November each year including any proposals for revising the forecast.

3.2. The Council Affairs and Finance Committee shall receive the proposed budgets of all other Standing Committees before the full budget is presented for adoption by the Town Council and shall make recommendations to the Town Council regarding adoption or otherwise.

3.3. 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 Town Council.

3.4. The Town Council shall consider annual budget proposals in relation to the Town Council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.5. The Town Council shall review the budget not later than the end of December each year and shall fix the precept to be levied for the ensuing financial year. The RFO shall issue the Precept to the billing authority and shall supply each member with a copy of the approved budget.

3.6. 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 Town Council for all items over £10,000
- a duly delegated committee of the council for items over £3000 and up to £10000
- the Town Clerk, in conjunction with Chair of Council or Chair of the appropriate committee, for any items up to £3000
- the Town Clerk, for items up to £2000

Such authority is to be evidenced by a minute or an authorisation slip signed by the Town Clerk, and where necessary the appropriate Chair.

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 Town Council, or duly delegated committee. During the budget year and with the approval of Town 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. Expenditure on Revenue items may be incurred up to the amounts included in the approved budget.
- 4.4. Unspent provisions in the revenue budget for shall be carried forward to a subsequent year by the approval of the RFO.
- 4.5. The salary budgets are to be reviewed at least annually as part of the Precept and Budget Review, no later than December. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.6. In cases of extreme risk to the delivery of council services, the Town Clerk may authorise revenue expenditure on behalf of the Town 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 £3000. The Town Clerk shall report such action to the Chair as soon as possible and to the Town Council as soon as practicable thereafter.
- 4.7. The committee nominated in the Scheme of Delegation shall be authorised under extreme urgency to incur such expenditure up to the sum of £5000. Such decisions, either by the RFO alone or the nominated committee, will be reported to the Town Council at the earliest opportunity.
- 4.8. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Town Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.



- 4.9. All capital works shall be administered in accordance with the Town Council's standing orders and financial regulations relating to contracts.
- 4.10. The RFO shall provide the Town Council with a quarterly statement of Income and expenditure under each head of the budgets, comparing actual expenditure against the Budget.
- 4.11. The RFO shall regularly provide the Town 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.
- 4.12. Changes in earmarked reserves shall be approved by Town Council as part of the budgetary control process.

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

- 5.1. The Town Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Town Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. 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 the Town Council. The Town Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Town Council. The approved schedule shall be initialled by the Chair 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.
- 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 approved by the Town Council.
- 5.4. The RFO shall scrutinise invoices in relation to arithmetical accuracy and shall code them as to the appropriate expenditure heading.
- 5.5. The Town 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 Town Council, where the Town 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 the Town 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 the Town Council; or



- c) fund transfers within the Town Councils banking arrangements up to the sum of £20,000, provided that a list of such payments shall be submitted to the next appropriate meeting of the Town Council.

- 5.6. For each financial year the Town Clerk and RFO shall draw up a list of due payments 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, Superannuation Fund and regular maintenance contracts and the like for which Town 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 the Town Council.
- 5.7. 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 Town Council.
- 5.8. Members are subject to the Code of Conduct that has been adopted by the Town 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.
- 5.9. The Town 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.
- 5.10. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. Instructions for the Making of Payments**

- 6.1. The Town Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 4 above, the Town Council, a duly delegated committee or, if so delegated, the Town Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by Internet Banking Transfer in accordance with a resolution of Town Council or duly delegated committee.
- 6.4. Internet Banking Transfers or cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Town Council or duly delegated committee shall be signed by two members of the Council, in accordance with a resolution instructing that payment. 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. The Town Council will not appoint members of the same family to sign cheques.

- 6.5. To indicate agreement of the details shown on the cheque or order for payments the signatories shall also each sign the schedule presented with the cheques for signature.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Town Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Town Council at the next convenient meeting.
- 6.7. If thought appropriate by the Town Council, payment for utility supplies (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 members and any payments are reported to Town Council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the Town Council at least every two years.
- 6.8. If thought appropriate by the Town Council, payment for certain items may be made by CHAPS method provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Town Council or duly delegated committee as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Town Council at least every two years.
- 6.9. 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, the details will be held by the Clerk & RFO and Deputy Clerk only.
- 6.10. No employee or councillor shall disclose any PIN or password, relevant to the working of the Town Council or its bank accounts, to any person not authorised in writing by the Town Council or a duly delegated committee.
- 6.11. Regular back ups will be held on SharePoint.
- 6.12. The Town Council, and any members using computers for the Town 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.
- 6.13. Where internet banking arrangements are made with any bank, the Town Clerk shall be appointed as the Service Administrator. The Bank Mandate approved by the Town 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 approvals.
- 6.14. 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 Town Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations and may be deemed to be a disciplinary matter

- 6.15. 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 change signed by the Town Clerk. A programme of regular checks of standing data with suppliers will be followed.
- 6.16. Any Debit Card issued for use will be specifically restricted to the Town Clerk.
- 6.17. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Town Council. Transactions and purchases made will be reported to the Town Council and authority for topping-up shall be at the discretion of the Town Council.
- 6.18. Any corporate credit card or trade card account opened by the Town Council will be specifically restricted to use by the Town Clerk and shall be subject to automatic payment in full at each month-end.
- 6.19. There is no petty cash provision.

## **7. Payment of Salaries**

- 7.1. As an employer, the Town 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 Town 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 must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Town 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 Town Council.
- 7.4. 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 (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 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. An effective system of personal performance management should be maintained for the senior officers. Two members of the Council Affairs and Finance Committee will undertake at least annual appraisals of the Town Clerk. Responsibility for additional staff is delegated to the Town Clerk.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Town Council. Termination payments shall only be authorised by Town Council.
- 7.8. Before employing interim staff the Town Council must consider a full business case.

## **8. Loans and Investments**

- 8.1. All borrowings shall be effected in the name of the Town Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Town 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 in respect of value for money for the proposed transaction.
- 8.3. The Town Council will arrange with the Town Council's Banks and Investment providers for the sending of a copy of each statement of account to the Town Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Town Council and shall be for a set period in accordance with council policy.
- 8.5. The Town 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 at least annually.
- 8.6. All investments of money under the control of the Town Council shall be in the name of the Town Council.
- 8.7. All investment certificates and other documents relating thereto 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 Town Council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Town Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Town Council.

- 9.3. The Town Council will review all fees and charges at least annually, following a report of the Town Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Town Council and shall be written off in the year. Any bad debts amounting to less than £250 may be written off by the RFO but reported to the Town Council at the next appropriate meeting.
- 9.5. All sums received on behalf of the Town 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.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Town 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 received by the Town Council, the RFO shall take such steps as are agreed by the Town 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.

## **10. Orders for Work, Goods and Services**

- 10.1. 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.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. 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 (I) below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Town Council.
- 10.5. 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.

## **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 telephone 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 Town Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Town Clerk and RFO shall act after consultation with the Chair and Vice Chair of council); and
  - vi. 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 £30,000 in value for the supply of goods or materials or for the execution of works or specialist services the Town Council must comply with the Public Contract Regulations 2015<sup>2</sup> and will procure on the basis of a formal tender.
- 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/EU (which may change from time to time)<sup>3</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 Town Council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Town 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 Town 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 shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least three members. Those present shall sign and date a list of those tenders received.
- g. If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Town Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- h. Any invitation to tender issued under this regulation shall be subject to Standing Order 18, <sup>4</sup> and shall refer to the terms of the Bribery Act 2010.
- i. 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,

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<sup>2</sup> The Regulations require councils to use the Contracts Finder website to advertise opportunities, set of procedures to be followed in awarding new contracts and to publicise the award of contracts

<sup>3</sup> Current thresholds:

- a) For public supply and public service contracts £213,477.00
- b) For public works contract £5,336,937

<sup>4</sup> Based on NALC's model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils



materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £100 the Town Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 9 (3) above shall apply.

- j. The Town Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- k. Should it occur that the Town Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Town 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.
- l. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

## **12. Payment Under Contract 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 Town Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Town Council and Town Clerk to the contractor in writing, the Town 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 Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Town Council. The RFO shall ensure a record is maintained of all properties held by the Town 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 moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Town 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, in which case the Town Clerk may make the decision to dispose.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Town Council, together with any other consents required by law, In each case a Report in writing shall be provided to Town 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).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Town Council. In each case a Report in writing shall be provided to Town 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).
- 14.5. Subject only to the limit set in Reg. 13.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Town Council. In each case a Report in writing shall be provided to Town 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 (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Town Council's insurers.
- 15.2. The Town 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 effected by the Town 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 Town Council at the next available meeting.
- 15.5. All appropriate members and employees of the Town Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Town Council, or duly delegated committee.

## **16. Charities**

- 16.1. Where the Town Council is sole managing trustee of a charitable body the Town Clerk and 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 Town Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **17. Risk Management**

- 17.1. The Town Council is responsible for putting in place arrangements for the management of risk. Annually, the RFO shall carry out Risk Assessment and Management, using a robust, proportionate and appropriate method, across all activities of the Town Council together with a Risk Management Policy. Risk policy statements and consequential risk management arrangements shall be reviewed by the Town Council at least annually.
- 17.2. All reports prepared for a decision by the Town Council shall include sections on “Financial Implications” and “Risk Assessments”, where applicable. When considering any new activity, the Town Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Town Council.

## **18. Suspension and Revision of Financial Regulations**

- 18.1. It shall be the duty of the Town Council to review the Financial Regulations of the Town Council from time to time. The RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Town Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Town Council may, by resolution of the Town Council duly notified prior to the relevant meeting of Town 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 Town Council.