



ST IVES TOWN COUNCIL

Financial Regulations

21 July 2022

Version	0.8	Approving Body	Full Council
Date	30.06.2022	Date of Approval	21.07.22
Responsible Officer	Town Clerk	Minute Reference	2022-61
Oversight Committee	Finance & General Purposes	Review Date	May 2023

Version History

Date	Version	Author/Editor	Comments
18.12.14	0.1	Town Clerk	Adopted at Full Council
23.10.15	0.2	Town Clerk	Adopted at Full Council
11.04.17	0.3	Town Clerk	Adopted at Full Council
22.02.18	0.4	Town Clerk	Adopted at Full Council
01.04.20	0.5	Town Clerk	Adopted at Full Council – revised to address COVID delegated decision making.
11.06.20	0.6	Town Clerk	Reviewed at Annual Council – no changes
04.04.21	0.7	RFO	Annual review
30.06.22	0.8	Town Clerk / RFO	Revised document takes into account changes in tendering procedures and amendments made during 2021-22 year.

Review Record

Date	Type of Review Conducted	Summary of Actions Taken or Decisions Made	Completed By
May 2020	FULL	Address rules on remote meetings, scheme of delegation and changes to committees	Town Clerk
July 2022	FULL	Address new NALC update from April 2022 on tendering thresholds and recommended amendments during 2021-22	Town Clerk / F&GP

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1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective, and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts
 - that provide for the safe and efficient safeguarding of public money
 - to prevent and detect inaccuracy and fraud 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. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Councillors 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.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.

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.

1.10 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.

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.

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

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

1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any 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

- approve any grant or a single commitment in excess of £10,000 outside of budget and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Staffing Committee in accordance with its terms of reference.

1.15 In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, 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 Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Mayor [or any cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member 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 Finance & General Purposes Committee.
- 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 the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purposes of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council
- report to the Finance & General Purposes Committee in writing, or in person, on a regular basis with a minimum of one annual written report and one interim 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.

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.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors, unless the correspondence is of a purely administrative nature.

2.11. The outcome of consideration of the Internal Auditor's report shall be reported to Council for signing off, including details of any action taken. The external auditors report shall be presented to Council through the approval of the Annual Accounts.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. Each Committee shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO together with the Lead Officer for each service area shall review the current approved budget for revenue and capital receipts and payments and prepare a draft three-year budget for individual Committees to consider. This should be completed by no later than the end of

November to enable the Council to meet, consider and resolve to set the precept for the following year.

- 3.3. The Council shall consider annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year 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.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1 Expenditure on revenue items may be authorised up to the amounts included in the approved budget and in line with the approved Scheme of Delegation. Contracts may not be disaggregated to avoid controls imposed by these regulations.
- 4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year, other than by resolution of the Council.
- 4.4 The salary budgets are to be reviewed at least annually in October, in line with the budget setting process, for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk, the Mayor and Chair of the Staffing Committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5 In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000. The Clerk shall report such action to the Mayor and the Chair of the relevant committee as soon as possible and to the Council as soon as practicable thereafter.
- 4.6 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless

the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

- 4.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the profiled budget.
- 4.9 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments made, including petty cash payments, forming part of the Agenda for the meeting and present the schedule to Council (subject to Financial Regulation 5.5(b) below). The Council shall review the schedule for compliance and, having satisfied itself shall ratify payment by a resolution of the Council. The approved schedule shall be ruled off and 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 relevant officer 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.
- 5.4. The Service Manager and Finance Officer 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 in a timely manner.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a. an expenditure item authorised under 4.1 above and 5.7 below (continuing contracts and obligations), provided that a list of such payments are included in the schedule of payments which shall be

submitted to the next appropriate meeting of the Finance and General Purposes Committee; or

- b. 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 or Finance and General Purposes Committee;
- c. fund transfers within the Council's banking arrangements to an unlimited amount by electronic transfer provided that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance & General Purposes Committee.

- 5.6. In respect of grants, the Finance and General Purposes 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 and outside of specific budgeted sums shall, before payment, be subject to ratification by resolution of the Council.
- 5.7. 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.
- 5.8. 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.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1 The Council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3 Other than petty cash payments referred to in Regulation 7 below, all payments shall be effected by electronic payments wherever possible, otherwise by cheque or other instructions to the Council's bankers in accordance with a resolution of the Council. **(Refer to 7.7 and 7.8)**
- 6.4 Cheques or orders for payment drawn on the bank account as listed in the schedule referred to in Regulation 5.2 above, shall be signed by two Members of Council in accordance with Regulation 4.1 above. 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, the Member shall be required to consider Standing Orders,

and thereby determine whether it is appropriate and/or permissible to be a signatory to the transaction in question.

- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil and the invoice.
- 6.6 Details of payments made shall be presented in a monthly format to the Finance and General Purposes Committee at the next available meeting following the end of the calendar month.
- 6.7 If thought appropriate, payment for utility supplies (energy, telephone and water), waste disposal, IT infrastructure 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 Finance and General Purposes Committee as made and shall be renewed by resolution of the Council every two years.
- 6.8 Payment of salaries will be undertaken by an external service provider following approval of the proposed payment report by the Town Clerk or RFO and two authorised Members and are subsequently reported to Finance and General Purposes Committee.

7. INTERNET BANKING TRANSFER

- 7.1. The Council may make any payment by internet banking transfer provided evidence is retained showing which members approved the payment.
- 7.2. Any expenditure by credit card is to be supported by an invoice and authorised in the same way as for any other payment.
- 7.3. 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 Mayor in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 7.4. 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.
- 7.5. 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.

- 7.6. 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.
- 7.7. Where internet banking arrangements are made with any bank, the Responsible Financial Officer shall be appointed as the Service Administrator. The Bank Mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone. In the interests of business continuity and in the absence of the Service Administrator, the Town Clerk shall be mandated to authorise the same level of payments alone.
- 7.8. All internet banking payments shall be approved by two member signatories who will be required to authorise any internet transactions prior to payment. Authorisation shall be subject to approval of a payment schedule and a record of accompanying invoices. Subject to these approvals being in place, Councillor approval shall not be required by accessing the internet banking system.
- 7.9. 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.
- 7.10. 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 two of the Clerk, the RFO and a member. A programme of regular checks of standing data with suppliers will be followed.

8. CREDIT CARD

- 8.1 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the senior management team: Town Clerk, RFO & Corporate Services Manager, Property Manager and Cultural Services Manager and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- The credit card is never to be used for anything other than proper business use.
 - Two credit cards are to be issued to the Council, with the Clerk and RFO as authorised signatories, and this is to be kept in the safe at all times that it is not in use.

- The PIN will remain the knowledge of the Clerk, RFO & Corporate Services Manager, Property Manager and Cultural Services Manager only.
- The monthly limit for expenditure by credit card is set at £5,000 for any one transaction and a total of £7,500 at any one time.
- Under Strong Customer regulation from the bank the Clerk or RFO will be contacted by text or phone to verify transactions online.
- Any expenditure by credit card is to be supported by an invoice and authorised in the same way as for any other payment.

8.2 The monthly statement received from the card provider must be checked by the RFO and included on the list of BACS and cheques payments for scrutiny. The statement itself should also be authorised by two Councillors to indicate that they have noted each individual charge made on the card.

9. PETTY CASH

- 9.1. The RFO may provide petty cash to officers. Payments made shall be forwarded to the RFO and must be in line with the approved Scheme of Delegation.
- a. The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Receipts 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.
 - d. Petty cash accounts will be reconciled on a monthly basis and subject to inspection at time of nominated Members signing off bank reconciliations.

10. PAYMENT OF SALARIES

- 10.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or the Staffing Committee
- 10.2. 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 Council meeting, as set out in these regulations above.

- 10.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council or the Staffing Committee.
- 10.4. 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; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 10.5. 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.
- 10.6. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 10.7. Before employing interim staff a report should be submitted to the relevant Committee for recommendation to Council, outlining the business case for recruitment and identifying funding proposals.

11. LOANS AND INVESTMENTS

- 11.1. 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.
- 11.2. 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.
- 11.3. 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.
- 11.4. 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.

- 11.5. All investments of money under the control of the Council shall be in the name of the Council.
- 11.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 11.7. 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).

12. INCOME

- 12.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 12.2. The Council will review all fees and charges at least annually, following a report of the Senior Manager for the Service Area.
- 12.3. Lead officers/members of the management team shall ensure the timely raising of invoices for chargeable Council services.
- 12.4. 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 invoice issuing officers (Finance Officer, RFO and Town Clerk), and these officers shall be responsible for the collection of all accounts due to the Council.
- 12.5. The RFO shall be responsible for ensuring that the adopted Sundry Debtors policy is adhered to in the management of sums owed and bad debts.
- 12.6. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 12.7. 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 to ensure no more than £1000 remains undeposited, and that all receipts are deposited within two weeks.
- 12.8. The origin of each receipt shall be entered on the paying-in slip.
- 12.9. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 12.10. 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.
- 12.11. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as

ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

- 12.12. An exempt VAT *de minimis* calculation should be undertaken at least annually.
- 12.13. 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 16 below).

13. ORDERS FOR WORK, GOODS AND SERVICES

- 13.1. An official order or letter shall be issued for all work, goods and services, together with the Council's standard terms and conditions, unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained. Orders may only be made by officers in accordance with the approved Scheme of Delegation.
- 13.2. A record of these orders shall be kept on the Council's electronic accounts system which is maintained by the RFO.
- 13.3. 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 - or using best endeavours to obtain- three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 14 (I) below. Any orders placed shall be subject to the Council's standard terms and conditions for the purchase of goods and services.
- 13.4. A member may not issue an official order or make any contract on behalf of the Council.
- 13.5. The Senior Manager shall verify the lawful nature of any proposed purchase before the issue of any order.

14. CONTRACTS

- 14.1. 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 and IT services

- ii. for specialist services such as are provided by solicitors, accountants, valuers, surveyors and planning consultants
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council
 - v. for additional audit work of the external auditor up to an estimated value of £1000 (in excess of this sum the Clerk and RFO shall act after consultation with the Chair of the Finance and General Purposes Committee and Mayor 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 the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations, which are primarily to advertise the opportunity via Contracts Finder or the Find a Tender Portals¹.
- 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 exceeds the relevant thresholds (which are set out below but may change from time to time as set out by the Cabinet Office in accordance with World Trade Organisation rules)².
- d. When proposals are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition provide full instructions as to how tenders must be returned, either to a dedicated electronic mailbox or in a sealed envelope, to remain sealed until the prescribed date for opening tenders for that contract.
- f. All submitted 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.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Order 18, and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £213,477 but more than £24,999 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 Senior Manager shall

¹ The Regulations require Councils to use the Contracts Finder (or Find a Tender) webportals to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a) For public supply and public service contracts £213,477
- b) For public works contracts £5,336,937

determine the most appropriate procurement route in order to secure best value for the Council, save that they shall comply in full with any specified Government requirements, standing orders and financial regulations. When it is to enter into a contract of less than £24,999 but above £1,000 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 Senior Manager shall use best endeavours to obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000, Regulation 13.3 above shall apply.

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

15. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 15.1. 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).
- 15.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 15.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

16. STORES AND EQUIPMENT

- 16.1. The Senior Manager in each service area shall be responsible for the care and custody of stores and equipment in that section.
- 16.2. 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.
- 16.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 16.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

17. ASSETS, PROPERTIES AND ESTATES

- 17.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council and 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.
- 17.2. 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 £250.
- 17.3. 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 where appropriate, an adequate level of consultation with the electorate).
- 17.4. 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, where appropriate, an adequate level of consultation with the electorate).
- 17.5. Subject only to the limit set in Reg. 17.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council with a full business case.
- 17.6. 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 recorded at cost in accordance with proper practices at least annually, possibly in conjunction with a health and safety inspection of assets.

18. INSURANCE

- 18.1. Following the annual risk assessment (as per Financial Regulation 20.1), the RFO shall effect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 18.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

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

19. CHARITIES

- 19.1. Where the Council is sole managing trustee of a charitable body the 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 Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.
- 19.2. The Council shall adopt a policy detailing the due diligence approval and ongoing management procedures which must be in place before the Council will accept the role of accountable body on behalf of charities and other organisations. A full report from a Financial Advisor will be considered by Council, including details of the power under which approval is to be given, and any VAT implications, before any decision can be reached.

20. RISK MANAGEMENT

- 20.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall present for approval by the Council, risk management assessments 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.
- 20.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.
- 20.3. The Clerk/RFO will make suitable arrangements with an external body for a partial exemption calculation to be carried out annually, to ensure that the Council does not breach the HMRC approved de minimis level of VAT recoverable on the provision of exempt services.

21. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 21.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. 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.
- 21.2. 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.

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Appendix to St Ives Town Council Financial Regulations
To assist with audit processes and provide guidance for Officers and Councillors.

Transaction type	Permitted payments	Authorisation arrangements	Control measures in place*	Limits on expenditure (by item or by total transaction value)
Cheque	May be used for any payment when unable to pay by electronic means	Two from a pool of three Councillor signatories (usually Mayor, Deputy Mayor and the most recent former Mayor if still a serving Councillor) plus countersigned by the Town Clerk.	Cheque stubs initialled to provide a record of who signed each cheque. Bank reconciliations. Source documents checked when cheques signed.	£50,000
Direct Debit	Utility supplies (energy, water, telephone, broadband) and Non-Domestic Rates	Instructions signed by two Councillor bank signatories and countersigned by the Town Clerk.	The use of a variable Direct Debit to be renewed by resolution of the Council at least every two years.	£25,000
Standing Order		Instructions signed by two Councillor bank signatories and countersigned by the Town Clerk.	To be renewed by resolution of the Council at least every two years.	£20,000
BACS / CHAPS	BACS is used for payroll. Occasional items where a cheque is not possible / appropriate, eg purchase from overseas, purchase of supplies or services where cheques are not accepted.	Instructions signed, or otherwise evidenced, by two Councillor bank signatories and countersigned by the RFO or the Town Clerk.		£100,000
Internet banking payments	The preferred method of payment to be used for any payments	Instructions signed, or otherwise evidenced, by two Councillor bank signatories and	Transaction to be first approved by two bank signatories (usually the Mayor, Deputy Mayor or other	£150,000

		countersigned by the Town Clerk, or the RFO before the transfer is carried out.	authorised Member signatory).	
Internet banking transfer	When transferring funds between town Council accounts at the discretion of the Clerk and RFO	Instructions signed, or otherwise evidenced, by two Councillor bank signatories and countersigned by the Town Clerk, or the RFO before the transfer is carried out.		Unlimited
Credit Card	<p>Only to be used when it is not possible to pay by cheque or BACS, or where a justifiable saving to the Council can be made.</p> <p>Note from 'A Practitioners Guide (NALC)' – Councils should avoid the use of credit cards as they are difficult to control and present unnecessary risks to public funds.</p> <p>For this reason, credit card to be used only when necessary – not as a matter of course.</p>	<p>Authorised officer to be the Town Clerk and only to be used by the RFO, Building and Maintenance Manager and Cultural Services Manager.</p> <p>Agreement to payment to be signed by two Councillor bank signatories.</p>	<p>Card to be kept in a safe at all times when not in use.</p> <p>PIN to be known to the Clerk and senior managers only.</p> <p>Expenditure to be supported by invoice or similar and authorised in the same way as for any other payment.</p> <p>Statements to be signed by Councillor signatories to indicate each individual card payment has been noted.</p> <p>Credit card balance to be cleared monthly by direct debit from the main bank account.</p>	<p>Limit for expenditure by credit card to be £5,000 for any one transaction.</p> <p><i>Council 22 October 2015 update, Minute C.99</i></p>

* All payments reported to Council.

Note: Any expenditure which departs from these guidelines must be authorised by any two from the Chair / Vice-Chair of Finance and General Purposes Committee and the Mayor.