

# UCKFIELD TOWN COUNCIL



## FINANCIAL REGULATIONS

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<b>CONTENTS</b>	<b>Page</b>
General .....	3
Annual Estimates .....	3
Budgetary Control .....	4
Accounting and Audit .....	5
Banking Arrangements and Cheques .....	6
Payment of Accounts .....	6
Payment of Salaries and Wages .....	7
Loans and Investments .....	8
Income .....	8
Orders for Work, Goods and Services .....	9
Contracts .....	10
Payments Under Contracts for Building or Other Construction Works .....	12
Stores, Stocks and Equipment .....	13
Assets, Properties and Estates .....	13
Insurance .....	13
Risk Management .....	14
Security and Management of Information .....	14
Revision of Financial Regulations .....	14

## **1.0 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. The Council is responsible in law for ensuring that its financial management is adequate and effective and that it has a sound system of financial control which facilitates the effective exercise of its functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These Financial Regulations are designed to demonstrate how the Council meets these responsibilities.
- 1.2 The post of Responsible Financial Officer (RFO) is a statutory office under section 151 of the Local Government Act 1972 and shall be appointed by the Council. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the Council its accounting records and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the Council.
- 1.4 At least once a year, prior to approving the annual accounts, the Council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in 'Governance and Accountability in Local Councils in England and Wales - A Practitioners' Guide' which is published jointly by NALC and SLCC and updated from time to time.
- 1.6 In these Financial Regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of the Audit Commission Act 2003, or any superseding legislation and then in force unless otherwise specified.
- 1.7 Section 150(5) of the Local Government Act 1972 which governed the stewardship of money held by local councils has been repealed. It required that 'every cheque or other order for the payment of money be signed by two members of the Council'. Although this requirement has been repealed it is felt that it still remains good practice and will be retained by the Council.

## **2.0 ANNUAL ESTIMATES**

- 2.1 Each committee shall formulate and submit proposals to the Council in respect of revenue and capital expenditure for the following financial year, not later than the end of January each year.
- 2.2 Detailed estimates of income and expenditure on revenue services and receipts and payments on capital accounts shall be prepared each year by the RFO.

- 2.3 The Council shall review the estimates not later than the end of January each year and shall fix the precept to be levied for the ensuing financial year. The Mayor or Town Clerk shall issue the precept to the billing authority and shall supply each Member with a copy of the approved budget.
- 2.4 The annual capital and revenue expenditure shall form the Council's budgets and the basis of financial control for the ensuing year.
- 2.5 In considering its annual estimates the Council shall have regard to its current five year Business Plan.

### **3.0 BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that item of expenditure, unless first approved by the General Purposes Committee or the Urgent Consultation Panel. Unspent provisions in the revenue budget shall not be carried forward to a new financial year, unless moved to other budget headings or placed in an earmarked reserve by resolution of the General Purposes Committee.
- 3.3 The RFO shall regularly provide each committee 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.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement, Health and Safety or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report the action to the appropriate committee as soon as possible thereafter.
- 3.5 Where expenditure is incurred in accordance with Regulation 3.4 above such sums shall be approved by the General Purposes Committee at the next available meeting.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure, unless the relevant committee is satisfied that it is contained in the capital programme and that the necessary capital funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works relating to contracts shall be administered in accordance with the Council's Standing Orders and these Financial Regulations.

#### **4.0 ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.
- 4.3 Anti-Fraud and Corruption
- 4.3.1 In accordance with the Accounts and Audit Regulations the separation of duties of Officers dealing with financial transactions shall be carried out wherever practical, thus reducing the risk of fraud or suspicion of fraud.
- 4.3.2 Wherever possible arrangement shall be made to ensure that the same two Officers carry out no more than two of the following:-
- (a) The ordering of works, goods or services.
  - (b) The acknowledgement of their receipt,
- and
- (c) The examination and certification of invoices and accounts.
- 4.3.3 Wherever possible, Officers responsible for the examination and checking of records of cash transactions shall not be engaged in any of these transactions.
- 4.4 Internal Audit
- 4.4.1 The RFO shall complete the Annual Accounts of the Council and shall submit the accounts for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.4.2 The RFO shall ensure that there is an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any Officer or Member shall, if the RFO or Internal Auditor requires, make available such documents of the 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.
- 4.4.3 The Internal Auditor shall be appointed by and shall carry out the work required by the Council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to the General Purposes Committee in writing, or in person, on a regular basis with a minimum of

one annual written report in respect of each financial year.  
In order to demonstrate objectivity and independence, the Internal Auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the Council.

4.4.4 The RFO shall make arrangements for the opportunity for inspection of the accounts, and associated documents for the display or publication of any notices and statements of account required by the relevant Acts and Regulations.

4.4.5 The RFO shall, as soon as practicable, bring to the attention of all Members any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative nature.

#### 4.5 Members' Audit

On a monthly basis one Member of the Council will carry out an audit in accordance with the Members' Audit Policy No. 63 and will report their findings to the next meeting of the General Purposes Committee.

### **5.0 BANKING ARRANGEMENTS, CHEQUES AND ELECTRONIC BANKING**

5.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the General Purposes Committee. They shall be regularly reviewed for efficiency.

5.2 All monies received by the Council, including Luxford's takings, shall be banked daily and a full record made on the reverse of the paying-in slip

5.3 With the exception of the arrangements set out in Regulation 6.1, all certified invoices and payments shall be paid by cheque, drawn on the Council's accounts and all cheques shall be signed by two members of the Council. A schedule of payments, listed by committee heading, and signed by the same two Members of the Council, shall be provided and presented at the next meeting of the committee.

### **6.0 PAYMENT OF ACCOUNTS**

6.1 Apart from petty cash, payments shall be effected by cheque or other order drawn on the Council's bankers.

6.2 All invoices for payment shall be examined, verified and certified by the Officer issuing the order. Before certifying an invoice, the Officer shall be satisfied that the works, goods or services to which the invoice relates have been received, carried out, examined and approved.

6.3 Duly certified invoices shall be examined in relation to arithmetical accuracy and authorisation, and shall be coded to the appropriate expenditure head. The RFO or appropriate Officer shall take all possible steps to settle all invoices or statements submitted, and which are in order, within 30 days of their receipt, or earlier, or in such manner, (e.g. standing order, direct debit etc), if such payment results in benefit to the Council, subject to any initial instruction forms

- or letters being signed by two Members of the Council.
- 6.4 All duly certified invoices will then be entered on the schedule of payments made and presented to the next meeting of the appropriate committee in accordance with Regulation 5.3.
- 6.5 The RFO or other appropriate Officer may authorise petty cash to Officers for the purpose of defraying operational and other expenses. Vouchers, relevant receipts or other supporting documentary evidence for payments made shall be forwarded to the RFO with a claim for reimbursement.
- (a) The RFO shall maintain a petty cash float of no more than £200 for the purpose of defraying operational and other expenses incurred by the Council.
  - (b) The RFO shall maintain a petty cash float of no more than £250 for the purpose of defraying operational and other expenses incurred by Luxfords Restaurant.
  - (c) Re-imburement for sums over £50 from any petty cash float shall only be made by cheque.
  - (d) Income received must not be paid into the petty cash float but must be separately banked as provided in Regulation 9.
  - (e) Management of petty cash will be in accordance with internal audit procedures.
- 6.6. Corporate credit card accounts must be set up to operate within defined limits and cleared monthly by direct debit from the main bank account.

## **7.0 PAYMENT OF SALARIES AND WAGES**

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by the Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, National Insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts.
- 7.3 All time sheets where applicable shall be in a form prescribed by the RFO and certified as to their accuracy by the member of staff and countersigned by the appropriate manager.
- 7.4 Appropriate Officers shall notify the RFO as soon as possible of all matters affecting the payment of salaries and wages and in particular:-

- Appointments, resignations, retirements, dismissals, suspensions, secondments and all other staff movements.
  - 
  - Absences from duty for sickness or other reasons.
  - Information necessary to maintain records of service for superannuation, income tax and national insurance.
  - Changes in remuneration, allowances or working times.
- 7.5 The RFO, the Town Clerk or Civic Centre Manager are authorised to make payments of salaries and wages through 'Bankline' subject to such initial permission being signed by two Members of the Council.
- 7.6 In the event of emergencies where no two authorised Officers are available to make such payments, the RFO, Town Clerk or Civic Centre Manager shall request two Members of the Council to be present.
- 8.0 LOANS AND INVESTMENTS**
- 8.1 All loans and investments shall be negotiated by the RFO in the name of the Council, and shall be for a set period of time in accordance with any appropriate Council Policy. Changes to loans and investments should be reported to the General Purposes Committee at the earliest opportunity.
- 8.2 The Council's Investment Policy (No. 45) shall be in accordance with relevant regulations, proper practices and guidance and reviewed at least annually. Prior to the receipt of the precept instalment every six months, the Finance Sub-committee will provide information to the General Purposes Committee on the possible investment of these funds.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 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 terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 9.0 INCOME**
- 9.1 The collection of all sums due to the Council shall be the responsibility of, and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.



- 9.3 Appropriate committees will review their fees and charges annually following a report by the RFO or other appropriate Officer.
- 9.4 All accounts due will be collected in accordance with these Regulations and any sums found to be irrecoverable or any subsequent bad debts shall be reported to the General Purposes Committee.

Overdue accounts and bad debts shall be treated in the following manner:-

- (i) Customers with outstanding accounts at 90 days shall be passed to a registered debt collector following a final seven day warning at the discretion of the RFO or appropriate Officer of the Town Council.
  - (ii) Any bad debts that cannot be recovered shall be referred to the General Purposes Committee for authorisation to be written off or for authorisation to make arrangements to collect the debt in other ways.
- 9.5 All sums received on behalf of the Council shall either be submitted to the RFO for banking or to the appropriate Officer collecting the money as directed by the RFO. In all cases all receipts shall be deposited with the Council's bankers in accordance with Regulation 5.2 or in such manner as subsequently directed by the Council's Internal Auditor.
- 9.6 A reference to the related invoice, or otherwise, indicating the origin of each receipt, shall be entered on the paying-in slip.
- 9.7. All sums received by BACS will be made available for scrutiny for subsequent audits.
- 9.8 Every transfer of official money from one member of staff to another shall be checked and signed for by the receiving Officer.
- 9.9 The RFO shall promptly complete any VAT return that is required.
- 9.10 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the General Purposes Committee to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.11 Personal cheques shall not be cashed out of money held on behalf of the Council.

## **10.0 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, e.g. petty cash purchases. Where an order number is given verbally, a written order must be raised. Copies of all orders issued shall be retained.

- 10.2 Access to the ordering programme shall be controlled by the RFO.
- 10.3 All Members of the Council and Officers are responsible for obtaining value for money at all times. An Officer issuing an official order is to ensure as far as reasonable and practicable, that the best available terms are obtained in respect of each transaction.
- 10.4 Only the Town Clerk, RFO, Civic Centre Manager or other such Officers nominated by them, may initiate orders which shall be endorsed by a second Officer.
- 10.5 Goods and services received shall be checked against the relevant copy of the purchase order.

#### **11.0 CONTRACTS**

11.1 Every contract, whether made by the Council or by a committee to which the power of making contracts has been delegated, shall comply with these Financial Regulations and no exception from any of the following provisions of these Regulations shall be made other than in an emergency, provided that these Regulations shall not apply to the contracts which relate to items (i) to (iv) 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 or other services identified to be of a specialist nature by the Town Clerk, RFO or Civic Centre Manager.
- (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.

11.2 Where it is intended to enter into a contract:-

- (i) For expenditure of £10,000 or less in value, the Town Clerk or a duly approved Officer shall have authorisation to obtain such goods or services from an appropriate firm.
- (ii) For any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value between £10,000 but not exceeding £25,000, the Town Clerk shall invite quotations from at least three appropriate firms from a preferred list of contractors as set out in the Financial Regulations.

- (iii) For expenditure which is valued in excess of £25,000 but less than the relevant thresholds subject to Regulations 109-114 of the Public Contracts Regulations 2015 include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity. ,
  - (iv) Where the value of a contract is in excess of £181,302 (which may change from time to time) for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
  - (v) A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract, or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.
- 11.3 Invitations to tender shall state the period and the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. In addition, the invitation shall state that tenders must be addressed to the Town Clerk and the last date by which such tenders should reach the Town Clerk. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- 11.4 All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk or other appropriate Officer in the presence of at least two Members of the Council.
- 11.5 The Town Clerk or other appropriate Officer shall record the details of the tender, the names and addresses of each tenderer, the amount or price of the tender, the time and place of opening, and the names and signatures of those present at the opening of the tenders. The above details shall be reported to the Council, or where the tenders have been sought by a committee to that committee.
- 11.6 If fewer than three tenders are received for contracts valued above £50,000 or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

- 11.7 Any invitation to tender issued under this Regulation shall contain a statement of the effect of Standing Orders Nos: 25.1. 25.2 and 25.3.
- 11.8 When applications are made to waive Standing Orders relating to contracts to enable tenders to be negotiated without competition, the reason shall be embodied in a recommendation to the General Purposes Committee.
- 11.9 Neither the Council, nor any committee is bound to accept the lowest or any tender.

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

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract, by the RFO upon receipt of authorised certificates issued by the architect or other consultants engaged to supervise the contract and a valid claim for payment from the contractor. (Subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payments by instalments, the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of the work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by five per cent or more, a report shall be submitted to the Council or relevant committee.
- 12.3 Any variation to a contract, or addition to, or omission from a contract must be approved by the Town Clerk in writing. The Council or appropriate committee should be informed where the final cost is likely to exceed the financial provision.

**13.0 STOCKS, STORES AND EQUIPMENT**

- 13.1 The Officer in charge of each section shall be responsible for the care and security of all relevant buildings, furniture, equipment, cash, stocks and stores in that section.
- 13.2 Appropriate Officers shall ensure that all conditions of insurance are complied with in respect of cash, valuables and property.
- 13.3 Delivery notes or invoices must be obtained in respect of all goods received, and goods must be checked as to quantity and quality against the purchase orders at the time delivery is made.
- 13.4 Stocks and stores shall generally be maintained at the minimum levels consistent with operational requirements.
- 13.5 The RFO or appropriate Officer shall be responsible for periodic checks of stocks and stores at least annually.

## **14.0 ASSETS, PROPERTIES AND ESTATES**

- 14.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all assets owned by the Council, recording the location, extent, plan, reference, purchase details, (where possible), nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with the current Accounts and Audit Regulations.
- 14.2 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 on the register shall be verified at least annually with a safety inspection of assets.
- 14.3 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consent required by law, save where the estimated value of any one tangible movable property does not exceed £500.

## **15.0 INSURANCE**

- 15.1 Following the annual risk assessment (Financial Regulations 16.1 and 16.2), the RFO shall effect all insurance and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall be notified of any loss, liability or damage or of any event likely to lead to a claim, and shall report to the appropriate committee at the next available meeting.
- 15.3 The RFO or appropriate Officer shall give prompt notification to the insurers of all new risks, properties or vehicles which require to be insured and of any alterations effecting existing insurances.
- 15.4 The RFO shall keep a record of all insurances affected by the Council and the property and risks covered and annually review the Council's insurance requirements.
- 15.5 All appropriate employees of the Council shall be included in suitable fidelity guarantee insurance which shall cover the maximum risk exposure of the Council.

## **16.0 RISK MANAGEMENT**

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

**17.0 SECURITY AND MANAGEMENT OF INFORMATION**

17.1 Records of a financial nature shall be retained in accordance with a schedule of minimum periods to comply with tax and insurance requirements or other instructions or advice received from the appropriate authorities. Regardless of the above all records must be retained, as a minimum, until after the completion of each year's external audit.

17.2 The Council will comply with the Freedom of Information Act and any other appropriate Council policy or other applicable legislation that may be introduced or amended from time to time.

**18.0 REVISION OF FINANCIAL REGULATIONS**

18.1 It shall be the duty of the General Purposes Committee to review these Financial Regulations from time to time. The Town Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the General Purposes Committee of any requirement for a consequential amendment to them.