



**Gawsworth Parish Council**

# Financial Regulations

Adopted October 2016

## CONTENTS

General .....	3
Annual Estimates .....	3
Budgetary Control .....	3
Accounting and Audit .....	4
Banking Arrangements and Cheques .....	5
Payment of Accounts.....	5
Payment of Salaries .....	6
Loans and Investments .....	6
Income .....	7
Orders for Work, Goods and Services .....	7
Contracts .....	8
Payments Under Contracts for Building or Other Construction Works.....	9
Stores and Equipment .....	9
Properties and Estates.....	10
Insurance .....	10
Charities.....	10
Risk Management.....	11
Revision of Financial Regulations .....	11
Annex 1 – Supplementary Procurement Guidance .....	12

Reference to the Accounts and Audit Regulations or ‘the regulations’ shall mean the Accounts and Audit Regulations currently in force and issued under the Local Audit and Accountability Act 2014.

For the purposes of these Regulations the Responsible Financial Officer will be the Parish Clerk.

## GENERAL

- 1.1 These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

## ANNUAL ESTIMATES

- 2.1 Each committee (if any) shall formulate and submit proposals to Council in respect of revenue and capital costs for the following financial year not later than the end of October each year.
- 2.2 Detailed estimates of all income and expenditure for the year 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 then decide the level of precept. The RFO shall supply each member with a copy of the approved estimates.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council may prepare and have regard to a three year forecast of Revenue and Capital Income and Expenditure which shall be prepared at the same time as the annual Budget or Estimates.

## 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 which will exceed the amount provided in the revenue budget.
- 3.3 The RFO shall at each meeting of Council provide the Council with a statement of receipts and payments since the previous meeting.
- 3.4 The Parish Clerk may, having informed the Chairman, incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. Such action will be

reported to the appropriate committee members immediately by e-mail and formally to the committee as soon as practicable.

- 3.5 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500.

The Clerk may also incur expenditure in the following circumstances:

- Specifically for the purpose of purchasing routine office equipment and supplies, up to £150, however this must be covered by appropriate budget provision.
- For routine items required by the Handyman to carry out repairs or replacements subject to a limit of £100 per instance.

The Clerk shall report the action to the Council as soon as practicable thereafter.

- 3.6 The Parish Clerk may also incur expenditure in other instances as per delegated authority
- 3.7 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless such expenditure relates to commitments made or invoices not yet received.
- 3.8 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.
- 3.9 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

## 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, appropriate guidance and proper practices.
- 4.2 The RFO shall complete the annual statement of accounts, annual report and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts submit them and report thereon to Council within the timescales set by the Accounts and Audit Regulations.
- 4.3 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with the Accounts and Audit Regulations. Any officer or member of the Council 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 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.5 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 any legislation and the Accounts and Audit Regulations.
- 4.6 The RFO shall, as soon as practicable, bring to the attention of the Council any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.
- 4.7 The income received from the hire of the tennis court will be monitored on an annual basis and any significant variance in the amounts received will be investigated, as appropriate by the RFO.

## BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be reviewed regularly (at least annually) for efficiency.
- 5.2 A schedule of the payments required, forming part of the summons for the meeting, shall be prepared by the RFO and presented to Council. If the schedule is in order it shall be authorised by resolution. The approved schedule shall be included in the minutes of the meeting. Invoices will be available for inspection and scrutiny at the meeting where payment is to be agreed.
- 5.3 Cheques and BACS transfer schedules drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by any two of the signatories to the bank accounts.
- 5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil. Signatories shall satisfy themselves that payments being made accord with the approved payment schedules.

## PAYMENT OF ACCOUNTS

- 6.1 Following authorisation from the Council or if so delegated the Clerk, The Clerk shall give instruction that payment shall be made. Payments will be made by cheque or BACS transfer in accordance with a resolution of Council.

- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy himself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council meeting.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, or required under the Public Contracts Regulations 2015, and the due date for payment is before the next scheduled Meeting of the Council where the RFO certifies that there is no dispute or other reason to delay payment, the RFO may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting.
- 6.6 Any arrangements entered into by the council which result in payment of bills by Direct Debit or BACS transfer must be approved by Council.
- 6.7 All payments made by Direct Debit or BACS transfer must be reported to full council at the next meeting.

## PAYMENT OF SALARIES

- 7.1 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 council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, must be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to the next available Council Meeting.

## LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated and held in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy shall be in accordance with the Guidance on Local Government Investments issued by the Department for Communities and Local Government and reviewed at least annually.
- 8.3 Any borrowings shall be subject to the necessary borrowing approval and any application for the same shall be subject to approval by Council.
- 8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## 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 agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 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 Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required with a minimum of one return being filed annually.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted 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.

## ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or written correspondence 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 is to 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 11 (l) below.
- A member may not issue an official order or make any contract on behalf of the council.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure

that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

- 10.5 The Council wishes to promote the local economy and where possible maximise the amount of money it spends locally. Such aspirations will not override considerations related to best value being achieved. Where legally possible quotes and tenders will be sought from a range of local suppliers

## CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows and supplemented by the guidance at Annex 1:

- a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- i. for the supply of water and sewerage 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 Council
  - v. for additional audit work of the External Auditor up to an estimated value of £250 (in excess of this sum the RFO shall act after consultation with the Chairman and Deputy Chairman of the Council)
  - 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<sup>1</sup> (ex-VAT) 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 Parish Clerk shall invite tenders from at least three suppliers.
- c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the appropriate committee to be provided with the summons.
- d) Such invitation to tender shall state the general nature of the intended contract and the Parish 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 Parish Clerk, clearly labeled for the tender in question, in the ordinary course of post.

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<sup>1</sup> Where the value of the procurement exceeds the current EU Procurement thresholds then the additional legal requirements on tendering shall apply



- e) All sealed tenders shall be opened at the same time on the prescribed date by the Parish Clerk in the presence of a Councillor.
- f) If less than three tenders are received for contracts above £30,000 (ex-VAT) or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Order 79.
- h) When it is to enter into a contract less than £30,000 (ex-VAT) in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall obtain at least 3 quotations (priced descriptions of the proposed supply)
- i) Where the value is below £5,000 (ex-VAT) and above £1,000 (ex-VAT) the RFO shall strive to obtain 3 quotations. Otherwise, Regulation 10.3 above shall apply.
- j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

## 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 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 installments 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 relevant committee.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the council or appropriate committee and Parish Clerk to the Contractor in writing, the appropriate committee and the Finance Committee being informed where the final cost is likely to exceed the financial provision.

## STORES AND EQUIPMENT

- 13.1 The Parish Clerk 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.

## PROPERTIES AND ESTATES

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

## INSURANCE

- 15.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall identify promptly 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 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 council or the appropriate committee at the next suitable meeting. Matters shall also be reported to the Finance Committee at its next suitable meeting.
- 15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## CHARITIES

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

## RISK MANAGEMENT

- 17.1 The RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 17.2 When considering any new activity the RFO shall prepare a draft Risk Assessment for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to council for consideration and, if thought appropriate, adoption.

## REVISION OF FINANCIAL REGULATIONS

- 18.1 It shall be the duty of the Finance Committee to review the Financial Regulations of the Council from time to time.

## ANNEX 1 – SUPPLEMENTARY PROCUREMENT GUIDANCE

### Purpose

This procedural document is designed to bring further clarity to the procurement processes set out in Standing Orders and Financial Regulations. This will aid members in their understanding of audit procedures and aid officers through providing the necessary clarification of the internal processes to be adhered to.

Section 96 of Standing Orders provides general guidance on contracts and references financial regulations. The table below sets out the general procedures to be adopted by Officers which are overseen by Members.

Value	Action Required	Evidence retained
Over EU Thresholds <sup>2</sup>	Full EU Tender procedures	All documents and correspondence to be retained.
30k to EU Threshold	Compliance with internal tender process. Opportunity to be advertised as widely as possible.	All tender documents to be retained.
Over £25k	If opportunity is advertised; it must also be advertised on the Contracts Finder website.	Record of advertisement. Details of award also posted.
5k to 30k	At least three written formal quotes to be obtained	Quotes retained alongside reasons for choice of supplier.
£500 to 5k	Three written quotes/estimates	Quotes retained alongside reasons for choice of supplier.
£100 to £500	Three verbal quotes	Details of the quotes
<£100	Verbal quotes to be accepted	Choice of supplier to be recorded along with details of supplies recorded.

Exceptions and Exemptions – An **exception** is a one off deviation from the procedure that may occur due to many reasons such as an emergency or the requirement being so unique as to make locating other supplies impossible. An **exemption** is a permanent deviation from processes such as costs associated with utilities, rents etc.

Officers should notify Members through formal process i.e. the recording on an exemption/exception in Council or Committee minutes. This may on occasion occur retrospectively, but Officers should be able to justify actions such as those taken in emergency or immediate need.

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<sup>2</sup>Current thresholds £164,176 for services/supplies contracts, £4,104,394 for works. Next due to be updated 01/01/2018.