

# BAGINTON PARISH COUNCIL FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the Council at its Ordinary Meeting held on 5<sup>th</sup> February 2015

Last updated April 2022

## 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 governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and financial risk assessment.
- 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 risk management.
- 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. 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.
- 1.5. Deliberate or wilful breach of these Regulations by an employee or councillor may give rise to disciplinary proceedings.
- 1.6. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.7. 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.
- 1.8. 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.
- 1.9. 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 receipts and payments account relate;
  - a record of the assets and liabilities of the council;

- 1.10. 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;
  - measures to ensure the validity of VAT numbers for new suppliers and presence of VAT numbers on all relevant invoices;
  - 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.
- 1.11. 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.
- 1.12. In addition the council must:
- determine and keep under regular review the bank mandate;
  - approve any grant or a single commitment in excess of £1,000; and
  - in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant body.
- 1.13. 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. 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.

- 2.3. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.4. 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.
- 2.5. The internal auditor shall:
  - be competent and independent of the financial operations of the council;
  - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the council.
- 2.6. 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.
- 2.7. 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.
- 2.8. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounting records 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.
- 2.9. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. The RFO must each year prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council at the January meeting.
- 3.2. The council shall consider annual budget proposals in relation to the council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

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

#### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £1,000;
- a duly delegated committee of the council for items over £500; or
- the Clerk, in conjunction with Chairman of the Council or Chairman of the appropriate committee, for any items below £500.

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

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.

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.4. The salary budget is to be reviewed at least annually. The RFO will inform the council 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 £1000. The Clerk shall report such action to the chairman 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 upon request 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 year and shall show explanations of material variances. For this purpose "material" shall be in excess of £250 or 15% of the 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.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment. For any unbudgeted spend, this authorisation will be by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of 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;
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
  - c) fund transfers within the councils banking arrangements.
- 5.6. For each financial year the Clerk and RFO may draw up, where desirable, a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as, but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like) for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of 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. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.3. Cheques shall not normally be presented for signature other than at a council meeting. Any signatures obtained away from such meetings shall be reported to the council at the next meeting.
- 6.4. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced, and are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 6.5. Where appropriate, payment for certain items may be made by internet banking transfer provided evidence is retained showing council approval in accordance with section 5.2.
- 6.6. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records details of how this information can be accessed is retained by nominated councillors in sealed envelopes. These envelopes may not be opened other than in an emergency and in accordance with the council's risk management policy. After the envelope has been opened, the PIN and/or passwords shall be changed as soon as practicable.
- 6.7. 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. Where internet banking arrangements are made with any bank, the Clerk /RFO 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.
- 6.11. 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.
- 6.12. Changes to account details for suppliers, which are used for internet banking, may only be changed on written notification by the supplier and supported by authority for change approved in writing by a Member. A programme of regular checks of standing data with suppliers will be followed.
- 6.13. The council will not maintain any form of cash float.

## **7. PAYMENT OF SALARIES, EXPENSES AND HONORARIA**

- 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 salary rates shall be as agreed by council.
- 7.2. Payment of salaries and any deductions from salary must be made in accordance with the payroll records and these regulations.
- 7.3. The unused balance of fixed expense payments made to cover office costs and overheads may be retained by the employee, but must be processed under PAYE rules and tax paid as necessary.
- 7.4. No changes shall be made to any employee's pay or terms and conditions of employment without the prior consent of the council.
- 7.5. Volunteers who undertake work on behalf of the Community may be paid an honorarium by the council to compensate for their out-of-pocket expenses. Any such honorarium is set and approved by the council and is paid quarterly.
- 7.6. The council has considered the tax implications of honoraria paid to volunteers and asserts that under Government definitions, the volunteers are acting as self employed residents and it is incumbent on the recipient to declare any taxable income to HMRC. In addition, they are not entitled to maternity leave, minimum wage, pension, holiday pay or other benefits that would be associated with being either an employee or a worker.

## **8. INCOME**

- 8.1. The collection of all sums due to the council shall be the responsibility of the RFO.
- 8.2. Particulars of all charges to be made shall be reviewed and agreed annually by the council as part of the budget process.
- 8.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the financial year.
- 8.4. All sums received on behalf of the council shall be banked by the RFO in a timely manner.
- 8.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 8.6. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

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

- 9.1. The RFO is responsible for maintaining records of all orders issued for work, goods and services.
- 9.2. 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, or that it is for ongoing work from an established service provider.
- 9.3. The council is not obliged to reimburse any member who issues an order without prior agreement by the council.

- 9.4. It is the responsibility of the RFO to ensure there is a statutory power to commit public money to an order before it is presented to the council.

## **10. CONTRACTS**

- 10.1. Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made, other than in an emergency or with the following exemptions:
  - for the supply of gas, electricity, water, sewerage and telephone services;
  - for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - 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;
  - for work to be executed or goods or materials to be supplied from an established service provider or which constitute an extension of an existing contract by the council;
  - for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk / RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- b. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- c. When it is to enter into a contract of more than £3000 in value for the supply of goods, materials or services other than those exempt under paragraph (a), the Clerk / RFO shall obtain 3 quotations otherwise there is no requirement to obtain 3 quotations and Regulation 9.2 above shall apply.
- d. The council shall not be obliged to accept the lowest or any quotation.

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

- 11.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 11.2. 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.
- 11.3. No real property (interests in land) shall be sold, leased, purchased or otherwise acquired or disposed of without the authority of the council, together with any other consents required by law, In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

- 11.4. Subject only to the limit set in Regulation 11.2, no tangible moveable property shall be purchased or acquired without the authority of the full council.
- 11.5. The RFO shall ensure that an appropriate and accurate Register of Assets is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **12. INSURANCE**

- 12.1. Following the annual risk assessment (as per Regulation 13), the RFO shall obtain all necessary insurances and negotiate all claims on the council's insurers.
- 12.2. The RFO shall keep a record of all insurances held by the council and the property and risks covered thereby and annually review it.
- 12.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 12.4. All appropriate members and employees of the council shall be included in a suitable form of insurance which shall cover the maximum risk exposure as determined by the council.

## **13. RISK MANAGEMENT**

- 13.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 13.2. When considering any new activity, the Clerk shall prepare a risk assessment including risk management proposals for consideration and adoption by the council.

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

- 14.1. 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.
- 14.2. 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.

## APPENDIX I

### REVIEW OF ADDITIONAL FINANCIAL REQUIREMENTS

Baginton Parish Council's financial regulations are based on the WALC model financial regulations that is a generic template to cover everything from small parish councils up to the largest town councils.

The following items have been reviewed and it has been decided that they do not apply to Baginton Parish Council at this time. They are included as an appendix both to show that we have considered them and to cover any future requirements, but as they do not form part of the current financial regulations, the council does not need to follow them.

#### **A. GENERAL**

- a. *The accounting records determined by the RFO shall in particular contain, wherever relevant, a record of the council's receipts and payments in relation to claims made, or to be made, for any contribution, grant or subsidy.*

#### **B. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- a. *A record of regular payments made under 5.6 above shall be drawn up and be signed by three members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.*
- b. *In respect of grants the council or a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.*
- c. *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.*

#### **C. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- a. *Following authorisation under Regulation 5, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.*
- b. *A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.*
- c. *If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by three members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.*
- d. *If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by three authorised bank signatories and are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.*

- e. *Any Debit Card issued for use will be specifically restricted to the Clerk /RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed.*
- f. *A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.*
- g. *Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk / RFO and shall be subject to automatic payment in full at each month-end.*
- h. *All cash received must be banked intact. Any payments made in cash by the Clerk / RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.*

#### **D. PAYMENT OF SALARIES, EXPENSES AND HONORARIA**

- a. *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:
  - i. *by any councillor who can demonstrate a need to know;*
  - ii. *by the internal auditor;*
  - iii. *by the external auditor; or*
  - iv. *by any person authorised under Audit Commission Act 1998, or any superseding legislation.**
- b. *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.*
- c. *An effective system of personal performance management should be maintained for the senior officers.*
- d. *Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.*
- e. *Before employing interim staff the council must consider a full business case.*

#### **E. LOANS AND INVESTMENTS**

- a. *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 the council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.*
- b. *Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (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.*

- c. *The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk / RFO.*
- d. *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.*
- e. *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.*
- f. *All investments of money under the control of the council shall be in the name of the council.*
- g. *All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.*
- h. *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).*

#### **F. INCOME**

- a. *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.*

#### **G. CONTRACTS AND TENDERS**

- a. *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<sup>1</sup>.*
- b. *The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.*
- c. *Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.*

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<sup>1</sup>The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

<sup>2</sup>Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

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

**H. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- a. *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).*
- b. *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.*
- c. *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.*

**I. STORES**

- a. *The council has no stores, so there are no regulations under this section.*

**J. CHARITIES**

- a. *The council is not the sole managing trustee of a charitable body, so there are no regulations under this section.*