

# **CODSALL PARISH COUNCIL**

## **FINANCIAL REGULATIONS AND RISK ASSESSMENT**

Revised and adopted 12<sup>th</sup> May 2021 - Reviewed 14<sup>th</sup> July 2021

### **1. 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.

### **2. Annual Estimates**

- 2.1. Each committee shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of January each year.
- 2.2. Detailed estimates of all receipts and payments 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 RFO shall supply each Member with a copy of the approved estimates.
- 2.4. The annual budgets shall form the basis for financial control for the ensuing year.

### **3. 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 approved in the revenue budget.
- 3.3. 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. The clerk shall report the action to the Council as soon as practicable thereafter.

- 3.4 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.
- 3.5 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

#### **4. Accounting and Audit**

- 4.1 All accounting and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 as amended.
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the council.
- 4.3 The RFO shall be responsible for completing the Accounts for the Council contained in the Annual return (as supplied by the Auditor appointed from time to time by the Audit commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations 1996 as amended, or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is an adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 1996 as amended. 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.
- 4.5 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 as compiled annually by the Audit Commission. 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.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books and vouchers required by the Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 1996 as amended.

- 4.7 The RFO shall, as soon as practicable , bring to the attention of all Councillors any correspondence or report from the Internal Auditor or External Auditor, unless the correspondence is of a purely administrative matter.

## **5. 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 for efficiency.
- 5.2 A schedule of the payments required, forming part of the agenda for Full council, shall be prepared by the RFO and, together with the relevant invoices, be presented to the Council. If the schedule is in order it shall be authorised by a resolution of the council and shall be initialled by the Chairman of the Meeting.
- 5.3 Cheques drawn of the bank account in accordance with the schedule referred in paragraph 5.2 or in accordance with paragraph 6.4 shall be signed by two Members of the Council and countersigned by the Clerk.
- 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.

## **6. Payment of Accounts**

- 6.1 All payment 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 Clerk. The Clerk shall be satisfied 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, 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, the Clerk 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 of Council.
- 6.5 The RFO may provide petty cash to staff for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO shall maintain a petty cash float of £100.00 for the purpose of defraying operational and other expenses. Vouchers 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 banked separately, 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.

## **7. 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 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 payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council meeting.
- 7.3 Annual Employee Appraisals to be carried out during the month of October of each year, any changes to be effective from the following April. The Parish Chairman to undertake the Clerks review and the The Clerk to undertake the reviews of all other employees. Details of the Appraisal to be brought to full Council for approval.

## **8. Loans and Investments**

- 8.1 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.
- 8.2 The Council's investment policy shall be in accordance with the Trustee act 2000 and shall be reviewed on a regular basis.
- 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 applications for borrowing approval shall be approved by Council as to terms and conditions.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. 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.
- 9.3 The Council shall review all fees and charges annually, following a report of the Clerk.
- 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. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

## **10 Orders for Work, Good and Services**

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All Members and Officers are responsible for obtaining value for money at all times. An Officer issuing an official order 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.
- 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.

## 11. Contracts

### 11.1 Procedures as to contracts are laid down as follows:

(a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:

- (i) for the supply of gas, electricity, water, sewerage and telephone services;
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract.
- (v) for additional audit work of the external Auditor up to an estimated value of £500.00, in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council.
- (vi) for goods or materials proposed to be purchased which are propriety articles and/or are only sold at a fixed price.

(b) 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 £25,000.00 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>. The supply of goods or materials or for the execution of works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms.

<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

- (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 Council.
- (d) 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.
- (e) 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.
- (f) The tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up
  - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and, or in any other manner that is appropriate;
  - iv. tenders submitted in writing should be in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the meeting of the council.
- (g) if less than three tenders are received for contracts above (£25,000.00) or if all tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) When it is to enter into a contract less than (£25,000.00) 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 Clerk or RFO shall strive to obtain 3 quotations; where the value is below (£1000.00) and above (£500.00) the Clerk or RFO shall strive to obtain 3 estimates. Otherwise Regulation 10 (3) shall apply.

- (i) The Council shall not be bound to accept the lowest or any tender, quote or estimate.
- (j) Where the value of a contract is likely to exceed £181,302 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

## **12. 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 payments 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.
- 12.3 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.

## **13. Stores and Equipment**

- 13.1 The employee in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.



## **14. Properties and Estates**

- 14.1 The 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 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 Regulation 4 (3)(b) of the Accounts and Audit Regulations 1996 as amended.
- 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 £50.00.

## **15. Insurance**

- 15.1 Following an annual risk assessment the RFO shall effect all insurance and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall keep a record of all insurance effected by the Council and the property and risks covered thereby and annually review it.
- 15.3 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.
- 15.4 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.

## **16. Risk Management**

- 16.1 The Clerk and RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 16.2 When considering any new activity the Clerk and RFO shall prepare a draft Risk Management policy 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.

## **17. Revision of Financial Regulations**

- 17.1 It shall be the duty of the Council to review the Financial Regulations and Risk Assessment of the Council from time to time.