



# Sedgefield

## Town Council

# FINANCIAL REGULATIONS

TO BE READ IN CONJUNCTION WITH THE DELEGATION SCHEME

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# SEDGEFIELD TOWN COUNCIL FINANCIAL REGULATIONS

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**These Financial Regulations were adopted by the Policy & Resources Committee on [target date 9<sup>th</sup> September 2024] and will be reviewed in April 2025 in order that they can be presented for adoption at the Annual General Meeting of the Town Council in May 2025. The Clerk will continuously monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.**

## 1. GENERAL

- 1.1. These Financial Regulations govern the conduct of financial management of the Council and may only be amended or varied by resolution of the Council. They are one of the Council's governing documents and shall be observed in conjunction with the Council's Standing Orders.
- 1.2. Councillors are expected to follow these Regulations and not to entice employees to breach them. Failure to follow these Regulations brings the office of Councillor into disrepute.
- 1.3. Wilful breach of these Regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the Regulations issued under Sections 32, 43(2) and 36 of the "Local Audit and Accountability Act 2014" or any superseding legislation, and then in force, unless otherwise specified.
  - 'Approve' refers to an online action, allowing an electronic transfer to take place.
  - 'Authorise' refers to a decision by the Council, or a Committee or an Officer, to allow something to happen.
  - 'Proper practices' means those set out in "The Practitioners Guide".
  - 'Practitioner's Guide' refers to the Guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England.
  - 'Must' and **bold text** refer to a statutory obligation the Council cannot change.
  - 'Shall' refers to a non-statutory instruction by the Council to its Councillors and employees.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the Council. The Clerk has been appointed as RFO and these Regulations apply accordingly. The RFO:

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- 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 control systems;
- Ensures the accounting control systems are observed;
- Ensures the accounting records are kept up to date;
- Seeks economy, efficiency and effectiveness in the use of Council resources; and
- Produces financial management information as required by the Council.

1.6. **The Council must not delegate any decision regarding:**

- **Setting the final budget or the precept (council tax requirement);**
- **The outcome of a review of the effectiveness of its internal controls;**
- **Approving accounting statements;**
- **Approving an annual governance statement;**
- **Borrowing;**
- **Declaring eligibility for the General Power of Competence; and**
- **Addressing recommendations from the internal or external auditors.**

1.7. In addition, the Council shall:

- Determine and regularly review the bank mandate for all Council bank accounts;
- Authorise any grant or single commitment in excess of £1,000.

## 2. RISK MANAGEMENT AND INTERNAL CONTROL

2.1. **The Council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The RFO shall prepare, for approval by P&R Committee, a risk management schedule covering all activities of the Council. This schedule and consequential risk management arrangements shall be reviewed by the Council at least annually.

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- 2.3. When considering any new activity, the RFO shall prepare a risk assessment.
- 2.4. **At least once a year, the Council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. **The accounting control systems determined by the RFO must include measures to:**
- **Ensure that risk is appropriately managed;**
  - **Ensure the prompt, accurate recording of financial transactions;**
  - **Prevent and detect inaccuracy or fraud; and**
  - **Allow the reconstitution of any lost records;**
  - **Identify the duties of Officers dealing with transactions; and**
  - **Ensure division of responsibilities.**
- 2.6. Monthly bank reconciliations are to be produced and presented to the P&R Committee for approval (with those for August being presented in the September meeting to account for the Council's summer recess period).
- 2.7. Regular back-up copies shall be made of the records on any Council computer and stored on-line at a separate location from the computer. The Council shall put measures in place to ensure that the ability to access any Council computer is not lost if an employee leaves or is incapacitated for any reason.

### **3. ACCOUNTS AND AUDIT**

- 3.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the "Accounts and Audit Regulations".
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the Council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**

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- **Day to day entries of all sums of money received and expended by the Council and the matters to which they relate;**
- **A record of the assets and liabilities of the Council.**

3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.

3.4. The RFO shall complete and certify the annual Accounting Statements of the Council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the Council, within the timescales required by the "Accounts and Audit Regulations".

3.5. **The Council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**

3.6. **Any Officer or member of the Council must make available such documents and records as the internal or external auditor consider 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.

3.7. The internal auditor shall be appointed by the Council, via the P&R Committee, and shall carry out their work to evaluate the effectiveness of the Council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.

3.8. The Council shall ensure that the internal auditor:

- Is competent and independent of the financial operations of the Council;
- Reports to Council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;

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- Can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- Has no involvement in the management or control of the Council.

3.9. Internal or external auditors may not under any circumstances:

- Perform any operational duties of the Council;
- Initiate or approve accounting transactions;
- Provide financial, legal or other advice including in relation to any future 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.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in "The Practitioner's Guide".

3.11. 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 documents required by the "Local Audit and Accountability Act 2014", or any superseding legislation, and the "Accounts and Audit Regulations".

3.12. The RFO shall, without undue delay, bring to the attention of all Councillors, via the P&R Committee, any correspondence or report from internal or external auditors.

#### 4. BUDGET AND PRECEPT

4.1. **Before setting a precept, the Council must calculate its precept (council tax requirement) for each financial year by preparing and approving a budget, in accordance with "The Local Government Finance Act 1992" or succeeding legislation.**

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- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by Council at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the RFO which includes a staffing establishment structure detailing Officer job titles and grades. The RFO will inform the Personnel Committee, Finance Working Group and P&R Committee of any changes impacting on their budget requirements for the coming year in good time.
- 4.3. No later than January each year, the RFO and Finance Working Group shall prepare a draft budget with detailed estimates of all income and expenditure for the following financial year, along with a forecast for the following two financial years, taking account of the lifespan of assets and cost implications of repair or replacement and present this to the P&R Committee.
- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year but will be transferred to earmarked funds unless by resolution by the P&R Committee.
- 4.5. The draft budget forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the P&R Committee in January.
- 4.6. Having considered the proposed budget and two year forecast, the Council shall determine its precept requirement by setting a budget. The Council shall set a precept for this amount no later than January for the ensuing financial year.
- 4.7. **Any member with Council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the “Local Government Finance Act 1992” and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.8. The RFO **shall issue the precept to the billing authority no later than the end of February.**
- 4.9. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.

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- 4.10. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the Council via the P&R Committee.

## 5. PROCUREMENT

- 5.1. **Members and Officers are responsible for obtaining value for money at all times.** Any Officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the P&R Committee at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the Council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of "The Public Contracts Regulations 2015" or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the Council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed £20,000 including VAT, the Clerk shall seek formal tenders from at least three supplies agreed by the Council via either Working Group or the P&R Committee. Tenders should be invited in accordance with Appendix 1.

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- 5.7. **For contracts estimated to be over £30,000 including VAT, the Council must comply with the requirements of the Legislation<sup>1</sup> regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**
- 5.8. For contracts greater than £5,000 excluding VAT the RFO shall seek at least 3 fixed price quotes;
- 5.9. Where the value is between £1000 and £4999 excluding VAT, the RFO shall try to obtain 3 estimates of recent prices from regular suppliers.
- 5.10. For smaller purchases, the RFO shall seek to achieve value for money.
- 5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive prices in these Regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. Specialist services, such as legal professionals acting in disputes;
  - ii. Repairs to, or parts for, existing machinery or equipment;
  - iii. Works, goods or services that constitute an extension of an existing contract;
  - iv. Goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this Financial Regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the P&R Committee. Avoidance of competition is not a valid reason.
- 5.14. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

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<sup>1</sup> The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

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- RFO, under delegated authority, for any items below £1001 excluding VAT.
- The Clerk, in consultation with the Chair of the Council, for any items below £2001 excluding VAT.
- The P&R Committee for all items over £2000

Such authorisation must be supported by a minute (in the case of P&R Committee decisions) or other auditable evidence trail.

- 5.16. No individual member, or informal group of members may issue an official order (unless instructed to do so in advance by a resolution of the P&R Committee) or make any contract on behalf of the Council.
- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the P&R Committee or a duly delegated Committee/Working Group acting within its Terms of Reference except in an emergency.
- 5.18. In cases of serious risk to the delivery of Council services or to public safety on Council premises, the Clerk may authorise expenditure of up to £1000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the P&R Committee as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the P&R Committee is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order or letter shall be issued for all work, goods and services above £500 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the RFO and Financial Assistant.

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## 6. BANKING AND PAYMENTS

- 6.1. The Council's banking arrangements, including bank mandate, shall be made by the RFO and authorised by the P&R Committee. The Council has resolved to bank with Barclays Bank. The arrangements shall be reviewed regularly for security and efficiency.
- 6.2. The Council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. More than one person must be involved in any payment, for example, dual cheque signing or or debit card usage authorisation. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the Council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the Council before being certified by the RFO and presented to the P&R Committee for payment approval in the form of a cheque.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.5. All payments shall be made by cheque with signatories being the Clerk plus two Councillors from the five detailed in the bank mandate for the Council's main bank account (or the Clerk and one Councillor from the two detailed in the bank mandate for the Mayor's Charity account).
- 6.6. The Clerk, as RFO, shall have delegated authority to authorise payments only in the following circumstances:
- i) Payments of up to £1000 excluding VAT in cases of serious risk to the delivery of Council services or to public safety on Council premises;
  - ii) Any payment necessary to avoid a charge under the "Late Payment of Commercial Debts (Interest) Act 1998" or to comply with contractual terms,

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where the due date for payment is before the next scheduled meeting of the P&R Committee, where the Clerk (as RFO) can 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 the P&R Committee.

- 6.7. The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the P&R Committee meeting. The P&R Committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution.

## **7. ELECTRONIC PAYMENTS**

- 7.1. With the exception of debit card usage (see section 9), the Council does not make any electronic payments. Internet banking is solely accessed by the Clerk, as RFO, in order to produce bank statements, check payments received, transfer between accounts and stop cheques/order cheque books.
- 7.2. The RFO must not disclose any PIN or password, relevant to the Council or its on-line banking, to anyone not authorised in writing by the Chair of the Council, as approved by the P&R Committee.
- 7.3. With the approval of the P&R Committee in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, IT and website support) may be made by variable direct debit, provided that the instructions are signed/approved on-line by the RFO. Direct debit payments are presented on a monthly basis to the P&R Committee.
- 7.4. The Clerk, as RFO, must ensure that any computer used for the Council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.5. Remembered password facilities (other than secure password stores requiring separate identify verification) should not be used on any computer used for Council banking.

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## 8. CHEQUE PAYMENTS

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by the RFO plus two Councillors from the five detailed in the bank mandate for the Council's main bank account (or the Clerk and one Councillor from the two detailed in the bank mandate for the Mayor's Charity account).
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque and the invoice, the signatories shall also initial a monthly list detailing all individual cheque payments.
- 8.4. Cheques for payment shall not normally be presented for signature other than at, or immediately after a P&R Committee meeting. Any signatures obtained away from the P&R Committee meetings shall be reported to the next Committee meeting with explanation given by the Clerk as RFO. The exception to this is during August when the Council is in recess. A payments for approval list will be issued electronically to all Councillors requesting them to give approval and then cheques will be issued and report given at the September P&R Committee meeting.

## 9. PAYMENT CARDS

- 9.1. Any debit card issued for use will be specifically restricted to RFO and will also be restricted to a single transaction maximum value of £1000 unless authorised by the P&R Committee before any order is placed, or in the event of an emergency by the Chair of the Council.
- 9.2. The debit card will be kept secure by the Financial Assistant who will maintain a record showing when this card has been signed out and in for usage by the Clerk as RFO.

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- 9.3. Personal credit or debit cards of members of staff shall not be used unless this cannot be avoided and then only up to the value of £300 including VAT with reimbursement in the form of a cheque.

## 10. PETTY CASH

- 10.1. The RFO shall, with assistance from the Financial Assistant, maintain a petty cash/imprest account of £200 and may provide petty cash to Officers for the purpose of defraying operational and other expenses.
- i) Vouchers for payment made from petty cash shall be kept, along with receipts to substantiate every payment;
  - ii) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these Regulations;
  - iii) Monthly reconciliations of the imprest account will be presented to the P&R Committee.

## 11. PAYMENT OF SALARIES AND ALLOWANCES

- 11.1. **As an employer, the Council must make arrangements to comply with the statutory requirements of the PAYE legislation.**
- 11.2. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the Council, via the Personnel Committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without prior consent of the Personnel Committee. The Town Council re-evaluates positions via job evaluation every five years.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts, i.e. by 27th of month at the latest.

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- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these Regulations earlier.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by the internal auditor to ensure that correct payments have been made.
- 11.7. Any termination payments shall be supported by a report to the Personnel Committee, setting out a clear business case. Termination payments shall only be authorised by the Personnel Committee.
- 11.8. Before employing interim staff, the Personnel Committee must consider a full business case.

## 12. LOANS AND INVESTMENTS

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the P&R Committee and recorded in the minutes. All borrowing shall be in the name of the Council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the P&R Committee, following a written report on the value for money of the proposed transaction.
- 12.3. The Council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant Regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the P&R Committee at least annually.
- 12.4. All investments of money under the control of the Council shall be put in the name of the Council.

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- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 12.6. Payments in respect of short-term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these Regulations.

### 13. INCOME

- 13.1. The collection of all sums due to the Council shall be the responsibility of, and under the supervision of, the RFO.
- 13.2. The Council will review all fees and charges for work one, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the RFO who shall be responsible for the collection of all amounts due to the Council.
- 13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the P&R Committee by the RFO and shall be written off in the year. The Council's approval shall be shown in the accounting records and relevant minutes.
- 13.4. All sums received on behalf of the Council shall be deposited intact with the Council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 13.6. The RFO shall ensure that VAT is correctly recorded in the Council's accounting software and that any VAT Return required is submitted from the software. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with "VAT Act 1994" S33 shall, wherever possible, be made six monthly for the periods 1<sup>st</sup> April – 30<sup>th</sup> September and 1<sup>st</sup> October – 31<sup>st</sup> March.

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- 13.7. Where significant sums of cash are regularly reviewed by the Council, the RFO shall ensure that more than one person is present when cash is counted in the first instance, that there is a reconciliation to some form of control record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.

#### **14. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with Council being informed via the P&R Committee where the final cost is likely to exceed the contract sum by 5% or more, likely to exceed the budget available.

#### **15. STORES AND EQUIPMENT**

- 15.1. The Officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 15.2. 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.
- 15.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 15.4. The RFO shall be responsible for periodic checks of stocks and stores, at least annually.

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## 16. ASSETS, PROPERTIES AND ESTATES

- 16.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry certificates of properties held by the Council.
- 16.2. The RFO shall ensure that an appropriate and accurate Register of Assets is kept up to date, with a record of all properties held by the Council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with “Accounts and Auditing Regulations”.
- 16.3. 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.
- 16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the Council, via a Special Town Council meeting, together with any other consents required by law. In ease case a written report 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 where required by law).
- 16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, via a Special Town Council meeting, together with any other consents required by law, except where the estimated value of any one item does not exceed £1000. In each case a written report shall be provided to Council with a full business case.

## 17. INSURANCE

- 17.1. The RFO shall keep a record of all insurance certificates effected by the Council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the Council’s review of risk management.
- 17.2. The Clerk shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

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- 17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the P&R Committee at the next available meeting. The RFO shall negotiate all claims with the Council's insurers.
- 17.4. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council via the P&R Committee.

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

- 18.1. The Council shall review these Financial Regulations annually and following any change of Clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the Council of any need to amend these Financial Regulations.
- 18.2. The Council may, by resolution 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 presented to all members. Suspension does not disapply any legislation or permit the Council to act unlawfully.
- 18.3. The Council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Version:	Adopted:	Officer Responsible:	Review Date:
11.0	09.09.2024	Jane Ayre, Town Clerk	April 2025

## APPENDIX 1 – TENDER PROCESS

1. Any 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.
2. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the Council or unless a professional agent to act on behalf of the Council has been appointed. If the latter the agent will undertake actions 3, 4 and 5 working with the Clerk to present findings to the Council and contract to be awarded.
3. Where a postal process is used, 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. 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 the Council.
4. Where an electronic tendering process is used, the Council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
5. Any invitation to tender issued under this Regulation shall be subject to Standing Orders and shall refer to the terms of the “Bribery Act 2010”.
6. Where 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, 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.

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11.0	09.09.2024	Jane Ayre, Town Clerk	April 2025