



## FINANCIAL REGULATIONS

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## FINANCIAL REGULATIONS

### Introduction

These financial regulations should be read in conjunction with the Financial & Management Risk Assessment, updated quarterly, which ensures the Council assess the risks it faces and satisfies itself that it has taken all reasonable steps to control and minimise them.

These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. The council is responsible in law for ensuring that its financial management is adequate and effective, and that the council has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.

In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

### 1. RESPONSIBLE FINANCIAL OFFICER

- a) The Responsible Financial Officer (RFO) is a statutory officer and shall be appointed by the council at the Annual Meeting of the Council, pursuant to section 151 of the Local Government Act 1972. The Clerk is the appointed RFO for this council and these regulations will apply accordingly. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- b) The RFO shall produce financial management information as required by the council.
- c) At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.

### 2. ANNUAL BUDGET ESTIMATES

- a) Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- b) The Council shall review the budget not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year.



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- c) The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- d) The annual budget shall form the basis of financial control for the ensuing year

### 3. BUDGETARY CONTROL

- a) Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- b) No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure.
- c) 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.
- d) The RFO shall provide the Council with a monthly 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.
- e) 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, regardless of whether there is any budgetary provision for the expenditure, subject to a limit of £2,000. Before the Clerk acts to incur expenditure as described, they shall consult with the Chair, or in their absence the Vice-Chair, before taking any action under the authority of this regulation. The Clerk shall report the action to the Council as soon as practicable thereafter.
- f) Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless agreed by a resolution of the council.
- g) No expenditure shall be incurred in relation to any capital project and no contract entered 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.
- h) All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

### 4. ACCOUNTING AND AUDIT

- a) All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- b) The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.



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- c) The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council to the June meeting, at the latest.
- d) The Council shall ensure that there is an adequate and effective system of internal control of the Council's accounting, financial and other operations in accordance with proper practices. The RFO shall make available such documents of the Council which are necessary for this purpose.
- e) The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one written report in respect of each financial year. To demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and not be involved in the financial decision making, management or control of the council.
- f) The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- g) The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative nature.

### **5. BANKING ARRANGEMENTS AND CHEQUES**

- a) The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. Cheque signatories shall be changed periodically and those with cheque signing authority shall register for internet banking.
- b) A schedule of payments shall form part of the Agenda for each Finance and General Services (FGS) Committee; this shall be prepared by the Clerk/RFO, following verification of each payment by the Clerk/RFO, and shall be authorised by a resolution of the Council. A schedule of payments may include payments that have already been made any require endorsement.
- c) Bank Transfers are the preferred method of payment and shall be drawn upon in accordance with the schedule referred to in paragraph 5 (b). Verified invoices shall be presented to Councillor 1 by the RFO, to be checked and signed; payments will be set up by the RFO (via on-line banking) ready for submission by Councillor 2 (via on-line banking).
- d) Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5 (b) or in accordance with paragraph 6 (d), shall be signed by two members of Council. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil



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and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

### 6. PAYMENT OF ACCOUNTS

- a) All payments shall be paid by BACS, Cheque or Direct Debit.
- b) All invoices for payment shall be examined, verified and certified by the Clerk/RFO. The Clerk/RFO shall be satisfied that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- c) The Clerk/RFO may examine invoices in relation to arithmetic accuracy and may also analyse them to the appropriate expenditure heading. The Clerk/RFO shall take all steps to settle all invoices submitted, and which are in order, within specified payment terms.
- d) The Council supports 'Prompt Payment.' Where invoices have been paid before the next FGS Meeting, endorsement shall be included in the Account Schedule. Such payments are subject to the protocol referred to in paragraph 5 (c) above.
- e) If thought appropriate by the council, payment for utility supplies (business rates, energy, telephone and water) and other regular payments, may be made by Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made.
- f) Details of all expenditure will be published on the town council website.

### 7. PAYMENT OF SALARIES

- a) As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- b) Ashington Town Council has outsourced all payroll and pension administration to Northumberland County Council.
- c) Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available FGS Meeting.

### 8. LOANS AND INVESTMENTS

- a) 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.



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- b) The council may consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- c) All investments of money under the control of the Council shall be in the name of the Council.
- d) All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- e) All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- f) Details of all loans will be published on the town council website.

### 9. INCOME

- a) The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO.
- b) Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed bi-annually by the Council, notified to the Clerk/RFO and the Clerk/RFO shall be responsible for the collection of all accounts due to the Council.
- c) The Council will review all fees and charges bi-annually, following a report of the Clerk/RFO that must be received by the Council even where changes are not expected.
- d) Any sums found to be irrecoverable, and any bad debts shall be reported to the Council and shall be written off in the year.
- e) All sums received on behalf of the Council shall be banked intact as directed by the Clerk/RFO.
- f) In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Clerk/RFO considers necessary.
- g) The origin of each receipt shall be entered on the paying-in slip.
- h) The Clerk/RFO shall complete the VAT Return in accordance with VAT Act 1994 section 33.
- i) Where any significant sums of cash are regularly received by the Council, the Clerk/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.



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### 10. ORDERS FOR WORK, GOODS AND SERVICES

- a) An 'Order' shall be issued for all work, goods and services, this may be an email.
- b) All members and Officers are responsible for always obtaining value for money. 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, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (f) below.
- c) The Clerk/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 Clerk/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.
- d) Every contract shall comply with these financial regulations, and no exceptions shall be made other 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 by the Council.
  - (v) For additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of Council).
  - (vi) For goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

### 11. CONTRACTS AND PROCUREMENT

- a) **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 is subject to Regulations 109-114 of the Public Contracts**





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**Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

- b) Where it is intended to enter a contract exceeding £25,000 in value for the supply of work, goods or services the council will publish the opportunity via an 'invitation to tender'.
- c) An 'invitation to tender' shall state the specification, the procurement timescale, the contractors' obligations and the closing date. The invitation shall in addition state that tenders must be marked PRIVATE & CONFIDENTIAL and addressed to the Clerk to remain sealed (or awaiting print, if by email) until the prescribed date for opening tenders for that contract.
- d) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the work, goods or services.
- e) Where it is intended to enter a contract less than £25,000 in value for the supply of work, goods or services the Clerk/RFO shall obtain three quotations (priced descriptions of the proposed supply).
- f) Where the value is less than £5,000 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (b) above shall apply.
- g) Where it is decided that work, goods or services are of a 'specialist' nature and not subject to an 'invitation to tender,' this must be agreed by a resolution of the Council.
- h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- i) Details of all contracts and contractors will be published on the town council's website.

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

- a) Where contracts provide for payment by instalments the Clerk/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.
- b) 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**

- a) The Assets and Facilities Manager shall be responsible for the care and custody of stores and equipment.





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- b) 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.
- c) Stocks shall be kept at the minimum levels consistent with operational requirements.
- d) The Assets and Facilities Manager shall be responsible for periodic checks of stocks and stores at least annually.

### 14. ASSETS, PROPERTIES AND ESTATES

- a) The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The Clerk/RFO, in consultation with the Assets and Facilities Manager, shall ensure a record is maintained of all land and properties owned by the Council, recording the location, size, UPRN, services offered and the main purpose thereof. Information relating to land and assets will be published on the town council website.
- b) 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.
- c) The Clerk/RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually at the same time as insurance premiums are established.
- d) Where assets are acquired at zero cost, these will be noted on the Assets Register with a value of £1.
- e) The Assets and Facilities Manager shall ensure an annual inspection of all assets with due regard to health and safety and the management of risk; this can be carried out by an external provider, e.g. RoSPA. The Council should receive an annual report and agree any action necessary.

### 15. INSURANCE

- a) Following the annual risk assessment (per Financial Regulation 16), the Clerk/RFO shall affect all insurances and negotiate all claims on the Council's insurers.
- b) The Clerk/RFO shall keep a record of all insurances affected by the Council and the property and risks covered thereby and annually review it.
- c) The Clerk/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.
- d) 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.



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### 16. RISK MANAGEMENT

- a) The council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. The council shall review risk policy statements and consequential risk management arrangements at least annually.
- b) When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

### 17. REVISION OF FINANCIAL REGULATIONS

- a) 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.

**These Standing Orders were adopted by Ashington Town Council at their meeting on 16<sup>th</sup> May 2023.**