

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Finance and Policy		
MEETING DATE AND TIME	19th September 2024 7.00pm	LOCATION	Congleton Town Hall
REPORT FROM	Serena Van Schepdael (RFO)		
AGENDA ITEM REPORT TITLE	19 Financial Regulations and Procurement Policy Review		
Background	<p>Our Financial Regulations were last reviewed in February 2024. NALC (National Association of Local Council) have recently completed a full review of the Model Financial Regulations.</p> <p>Our Financial Regulations are the basis of our Internal Control for financial transactions. They are based on the Model Regulations provided by National Association of Local Council (NALC). NALC recently conducted a full review of the Model Financial Regulations and have released the new updated version.</p>		
Update	<p>See Appendix 19.2 for Guidelines from NALC, they include:</p> <ol style="list-style-type: none">1) Bold text indicates legal requirements, which a council cannot change or suspend.2) For the rest, each council needs to adapt the model to suit its size and structure. For example, some councils have both a clerk and RFO, possibly with several more staff, while others have a single employee as clerk/RFO. Some councils have committees, some have a high level of delegation and some make all decisions at full council meetings. Many now use online payment methods, but others still rely on cheques.3) Curly brackets indicate words, sentences or sections that can be removed if not applicable, or amended to fit the council's circumstances. An example of this is the phrase {or duly delegated committee}, which can be deleted if there are no committees. <p>The new Model Regulations have been compared to our current regulations in place and all rules/regulations remain in place albeit in a different order.</p>		

Details	<p>The RFO has worked through each section, see Appendix 19.1:</p> <ul style="list-style-type: none"> • There is a new Appendix in the Regulations which covers the Tender Process. • New items to note that are included in the review are highlighted in YELLOW • Items taken from our current Regulations and added in the new model are highlighted in GREEN • Decisions needed in GREY <p>4.3 We currently don't present this as budget setting, decide on forecasting and how many years.</p> <p>5.3 We have budget holders, should this state the lead officer or RFO?</p> <p>14.1 Model updates suggested The Clerk (Chief Officer) Council suggested as most contracts will be over limits of Chief Officer or Committee.</p> <p>Appendix 19.3 Procurement Policy Update</p> <p>Updates are in red.</p>
Financial	No finance implications to the approval of this report, but the Regulations set our rules for all Financial operations.
Environmental	Purchases are covered in our Procurement Policy.
Equality and Diversity	Purchases are covered in our Procurement Policy
Decision Request	<ol style="list-style-type: none"> 1. To approve the updated Financial Regulations and recommend to Council for approval and adoption into the Constitution. 2. To approve the update Procurement Policy and recommend to Council for approval and adoption into the Constitution.

CONGLETON TOWN COUNCIL FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on [enter date].

1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of three council's governing documents providing procedural guidance for members and officers they shall be observed in conjunction with the council's Standing Orders and the code of Conduct. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 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 46 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 transaction 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*
 - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - '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 members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. 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 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**
- **writing off bad debts**

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 £3,000**

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 Chief Officer shall prepare, for approval by Council , a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3. When considering any new activity, the Chief Officer shall prepare a draft risk assessment including risk management proposals for consideration by the council.

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:

- **For the timely production of accounts;**
- **That provide for the safe and efficient safeguarding of public money;**
- **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. At least once in each quarter, and at each financial year end, a member other than the Chair shall be appointed to verify the bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the Finance and Policy Committee.

2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in 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 reasonably accuracy at any time. In particular, they must contain:**
- **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 Council 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;
- 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 for 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 Practitioners 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 any correspondence or report from internal or external auditors.

4. Budget and precept

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

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in December for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Chief Officer and the Chair of the Council and Chair of Finance . The Chief Officer and RFO will inform committees of any salary implications during budget setting as Council consider their draft their budgets.

4.3. No later than November each year, the RFO 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 three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.

- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.

4.5. Each committee chair shall review its draft budget and submit any proposed amendments to the Finance and Policy Committee no later than October each year.

- 4.6. The draft budget with any committee proposals including any recommendations for the use or accumulation of reserves, including the general reserve, shall be considered by the Finance and Policy Committee followed by a recommendation to the Council.

- 4.7. Having considered the proposed budget, the council shall determine its Precept council tax requirement by setting a budget. The council shall set this Precept for this amount no later than the end of January for the ensuing financial year.

4.8. 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 and must disclose at the start of the meeting that Section 106 applies to them.

- 4.9. The RFO shall issue the precept to the billing authority no later than the end of February and supply each member with a copy of the agreed annual budget.

- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.

- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by Council.

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 meeting at which the order is authorised and also recorded in the minutes.

- 5.3. Every contract shall comply with these 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 5.12) obtain prices as follows:

5.6. For contracts estimated to exceed £30,000 including VAT, the Chief Officer must comply with The Council's Standing Orders for Contracts Policy and any regulations for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**

5.8. For contracts greater than £3,000 excluding VAT the Chief Officer/RFO or relevant lead officer shall seek at least 3 fixed-price quotes;

5.9. where the value is between £500 and £3,000 excluding VAT, the Chief Officer/RFO or relevant lead officer or RFO shall try to obtain 3 estimates which can include evidence of online prices, or recent prices from regular suppliers.

5.10. For smaller purchases, all officers 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. 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 £500 (in excess of this sum the Chief Officer and RFO shall act after consultation with the Mayor and Deputy Mayor of council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

vii. Goods or services that are only available from one supplier or are sold at a fixed price.

¹ 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.

- 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 Council. 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 Revenue expenditure purchases within an agreed budget for that type of expenditure may be authorised by:
- the Chief Officer for any items below £5000 excluding VAT.
 - a duly delegated committee of the council for all items of expenditure within their delegated budgets for items under £10,000 excluding VAT
 - • the council for all items over £10,000;
 - in respect of grants, the Finance and Policy Committee within any limits set by council and in accordance with any policy statement agreed by the council.

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail. Orders/Purchases may not be disaggregated to avoid controls imposed by these regulations.

- 5.16. No individual member, or informal group/working group of members or volunteer may issue an official order 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 Council except in an emergency. 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 ('virement').

- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the Chief Officer may authorise expenditure of up to £2,000 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 Chief Officer shall report such action to the Chair as soon as possible and to the Council 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 Council 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 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 monitored controlled by the RFO

5.22. All Capital works shall be administered in accordance with the Councils Standing Orders and Financial Regulations relating to contracts.

5.23. The RFO shall regularly provide the Council with a statement of income and expenditure to date under each heading 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 quarter and shall show explanations of material variances. For this purpose "material" shall be in excess 15% as long as the variance exceeds £ 500

6. Banking and payments

6.1. The Council will make safe and efficient arrangements for the making of payments.

6.2. Following authorisation under Financial Regulations 5, The Chief Officer or RFO shall give instruction that a payment shall be made.

6.3. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The arrangements shall be reviewed regularly for security and efficiency. The Council has resolved to bank with RBS Bank. The Chief Officer and RFO to be signatories on the accounts for communication purposes only and not to be used for payment.

6.4. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. 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.

6.5. 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.

6.6. 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.

6.7. All payments shall be made by online banking or cheque, in accordance with a resolution of the council, unless the council resolves to use a different payment method.

6.8. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which Council may authorise in advance for the year. This will be presented by the RFO as part of the annual budgeting process.

6.9. The Chief Officer and RFO shall have delegated authority to authorise payments only in the following circumstances:

- i. payments of up to £2,000 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, where the due date for payment is before the next scheduled meeting of [the council], where the Chief Officer 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 the Finance Committee and then to Council.
- iii. Fund transfers within the council's banking arrangements provided that a list of such payments shall be submitted to the next appropriate meeting of Finance and Policy. **With regards to Investment transfers, these are to be made in line with the Investment Policy and Investment Strategy.**

6.10. The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, to the Finance and Policy Committee and to Council annually to review. The Finance and Policy Committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

7. Electronic payments

- 7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify a minimum of 6 councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
- 7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. The Service Administrator shall set up all items due for payment online. **Payments can be delegated to the Finance Officer as a Service Administrator with reduced authorisations within online banking.**
- 7.4. **Payments can be authorised either in person or via email. For email approval, the schedule of payments and the list of invoices shall be sent to all signatories requesting approval. For in-person approval the schedule of payment, list of invoices and invoices will be available for approval. Two signatories are required to approve the payments by checking the schedule against the invoices list. In-person approval is the preferred method.**

7.5. In the prolonged absence of the RFO Service Administrator an Authorised Bank Administrator shall set up any payments due before the return of the Service Administrator.

7.6. Evidence shall be retained showing which members approved the payment online.

7.7. A full list of all payments made in a month shall be provided to the next available Finance and Policy meeting.

7.8. With the approval of the Council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, and HMRC VAT payments) may be made by variable direct debit, provided that the instructions are [signed/approved online] by [two authorised members]. The approval of the use of each variable direct debit shall be reviewed by the Council] at least every two years.

7.9. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment follows the payment rules. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

7.10. Account details for suppliers may only be changed upon written notification by the supplier verified by the RFO. This is a potential area for fraud and the individuals involved should ensure that any change is genuine.

7.11. Members and officers shall 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.

7.12. 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. Breach of this Regulation will be treated as a very serious matter under these regulations.

8. Cheque payments

8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and the cheque stub countersigned by the RFO.

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

9. Payment cards

9.1. Any Credit Card issued for use will be controlled and monitored by the RFO and will also be restricted to a single transaction maximum spend limit of £1000 and any balance shall be paid in full each month.

9.2. Any trade card account opened by the council will be specifically monitored and controlled by the RFO.

9.3. All purchases made by the Credit Card or Trade Account must follow normal procedures.

9.4. Personal credit or debit cards of members or staff shall not be used.

10. Petty Cash

10.1. The RFO shall maintain a petty cash float/imprest account of £200 and may provide petty cash to officers for the purpose of defraying operational and other expenses.

- a) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
- b) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on any schedule of payments presented for approval.

d) The Petty Cash balance must be verified twice a year by either the Chair of Finance or another signatory.

11. Payment of salaries and allowances

11.1. As an employer, the council must make arrangements to comply with the statutory requirements of 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, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.

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.

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 above.

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. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

a) by any councillor who can demonstrate a need to know;

b) by the internal auditor;

c) by the external auditor; or

d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

11.6. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

11.7. Before employing interim staff, the council must consider a full business case.

11.8. Salaries are to be paid by bank transfer and the payment summary issued to the Chair and Vice Chair of Finance for noting, in the absence of either one the summary can be approved by another signatory. The RFO is permitted to approve the Salary Bank Bulk Payment each month.

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 full council 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 full council, 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 council at least annually.

12.4. All investment of money under the control of the council shall be in the name of the council.

12.5. 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.

12.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

12.7. 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 done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Chief Officer. The RFO 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 council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.

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 by the due date.

13.7. Where sums of cash are received by the council, the RFO shall 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 record, and that appropriate care is taken for the security and safety of individuals banking such cash.

13.8. All officers must follow the Cash Handling Policy at all times.

13.9. Floats for Congleton Information Centre should be kept to a maximum of £200: £100 Till float and £100 Change float and the Events to a maximum of £50.00. When not in use both floats are to be secured either in the Council's safe or lockable cabinet overnight. The RFO will arrange regular checks on the floats. The float totals to be reviewed by the RFO on an annual basis.

13.10. Income taken via the Congleton Information Centre shall be reconciled daily by relevant staff, and on a monthly basis by the RFO.

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 Council to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or 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.

16. Assets, properties and estates

- 16.1. The Chief Officer 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 and Investments 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 Audit 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, together with any other consents required by law. In each 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, together with any other consents required by law, except where the estimated value of any one item does not exceed £3,000. In each case a written report shall be provided to council with a full business case.
- 16.6. No real property (interests in land) shall be purchased or acquired without the authority of the full council. 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).
- 16.7. Subject only to the limit set in Regulation 16.5 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

17. Insurance

- 17.1. The RFO shall keep a record of all insurances 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 Chief Officer shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 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 council at the next available meeting. The RFO shall negotiate all claims on the council's insurers in consultation with the Chief Officer.
- 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 annually by the council, or duly delegated committee.

17.5. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

18. Suspension and revision of Financial Regulations

18.1. The council shall review these Financial Regulations annually and following any change of Chief Officer or RFO. The Chief Officer 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.

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature of the intended contract and the Chief Officer 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 Chief Officer.
- 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 Chief Officer in the presence of at least one member of 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 Order 19 and the separate policy Standing Orders for Contracts 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.

MODEL FINANCIAL REGULATIONS FOR LOCAL COUNCILS

This Model Financial Regulations template was produced by the National Association of Local Councils (NALC) in April 2024 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

Notes to assist in the use of this template:

- 1) This document is a model for councils of all sizes to use to develop their own financial regulations, suitable for the size of the council and the activities it undertakes.
- 2) Bold text indicates legal requirements, which a council cannot change or suspend.
- 3) For the rest, each council needs to adapt the model to suit its size and structure. For example, some councils have both a clerk and RFO, possibly with several more staff, while others have a single employee as clerk/RFO. Some councils have committees, some have a high level of delegation and some make all decisions at full council meetings. Many now use online payment methods, but others still rely on cheques.
- 4) Curly brackets indicate words, sentences or sections that can be removed if not applicable, or amended to fit the council's circumstances. An example of this is the phrase {or duly delegated committee}, which can be deleted if there are no committees.
- 5) Specific areas that may need adapting:
 - a) In 1.5 – is the Clerk the RFO?
 - b) In 3.3 and 3.4, the words "Governance and Accountability" do not apply in Wales
 - c) In section 4, does the council have committees and how many years are forecast?
 - d) In 5.6, does the council issue an open invitation to tender, or invite specific firms?
 - e) In 5.9, are online prices acceptable evidence?
 - f) In 5.13, 5.15 and 5.17, does the council have committees?
 - g) In 5.16, will a councillor ever be instructed to place an order?
 - h) In 5.20, is there a minimum level for official orders?
 - i) Section 6 includes several alternatives to cover delegation to committees or to officers, approval of invoices individually or in batches, or for approval of regular contractual payments at the beginning of the year.
 - j) Sections 7, 8 and 9 also includes several alternatives, including wording for where the clerk is a signatory. These are intended to allow a council's financial regulations to fit what they actually do, not to force any council to change what they do.
 - k) Section 10 gives two alternatives, with or without petty cash.
 - l) 13.6 has alternatives for VAT-registered and unregistered councils – only use one.
 - m) 13.7 and 13.8 are removable if they don't apply to the council.

- n) Much of Section 16 can be deleted if not applicable.
 - o) 17.3, is the Clerk the RFO or will the RFO consult the Clerk?
- 6) Square brackets indicate where the council needs to specify who, or how much, or what the timescale is. For example [£500] might need to be £100, or [October] might need to be November, or [the council] might need to say the Policy and Resources Committee.
- a) In 4.1 and 4.7, select the wording for England or Wales, based on your location.
 - b) In Section 4, the council needs to determine the timescale for its budget setting.
- 7) It is challenging to try to offer guidance on setting financial limits. A council spending £1,000 a year is unlikely to delegate authority to spend £500 to its proper officer, but one spending £5 million a year might regard £5,000 as a reasonable limit. Each council needs to determine its own limits, that help, rather than hinder, its operations.
- 8) Key limits to set:
- a) In 5.6, at what limit will the council require a formal tender process to ensure fair competition, rather than just asking for quotes? If this is set too low, it may discourage suppliers. Many small councils might only use formal tenders once every few years.
 - b) In 5.8, at what limit will the council require fixed-price quotes rather than estimates?
 - c) In 5.9, at what level can smaller purchases be made without competition?
 - d) In 5.15, at what level can purchases be made under delegated authority (having complied with the rules about obtaining prices)?
 - e) In 5.18, how much can the clerk commit to spending in an emergency?
 - f) In 6.9, can payment of invoices (for purchases that have already been authorised) be authorised by an officer under delegated authority as a general principle, or only to avoid problems?
 - g) In Section 9, what are the limits for card payments?
 - h) In 16.5, what value of assets can be bought or disposed of, without seeking council approval?
- 9) The contents list is a table that extracts section headings from the document. It can be updated by clicking on the contents list, whereupon a tab saying “update table” appears at the top of the list.
- 10) Once this model has been tailored to fit the council's needs, the resulting Financial Regulations (with the insertion of the council's name at the top) should be adopted at a meeting of the full council. The date of adoption should be inserted below the Contents. Any subsequent proposal for amendment should also be made to the full council.
- 11) The council should keep abreast of developments in legislation that affect the local council sector and should review and update its Financial Regulations annually.
- 12) Please ensure that the latest approved version is published on the council's website.

CONGLETON TOWN COUNCIL

PROCUREMENT POLICY

Introduction

This guide is to provide an overview of procurement of goods and services and is not a replacement for the Town Council's Standing Orders and Finance Regulations

The Council will strive to attain best value for all goods, materials and services which it purchases. "Best Value" will be defined as a balance of price, quality of product and supplier services.

The Council will operate a transparent procurement process in accordance with its Financial Regulations and Standing Orders for Contracts.

All procurement is to be made following the Standing Orders, Financial Regulations and any internal processes in place.

Principles

- Always adhere to Financial Regulations
- The Council will purchase locally wherever possible and where best value can be satisfied.
- In evaluating "best value", the past record of the supplier will be taken into account.
- For goods, materials or services over £30,000 inclusive of VAT, an evaluation model will be developed in advance against which best value can be judged, whilst also following the Standing Orders for Contracts Policy.
- The environmental and social credentials of the supplier will be checked, in accordance with the Council's Environmental Policy and Community and Social Policy.
- The Council will purchase Fair Trade goods where possible. The Council will purchase re-cycled goods or less environmentally damaging materials where they meet the required functional standard.
- Where a contract is to be made, the Standing Orders for Contracts and Tendering Policy must be adhered to.
- Limits:
 - 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 £10,000.
 - • a duly delegated committee of the council for items over £5,000; or
 - • the Chief Officer for any items below £5,000.
 - Capital Purchases £3,000 and over must be approved by Council.
- Estimates/Quotes:
 - For contracts greater than £3,000 excluding VAT the Chief Officer/RFO or relevant lead officer shall seek at least 3 fixed-price quotes;

- where the value is between £500 and £3,000 excluding VAT, the Chief Officer/RFO or relevant lead officer shall try to obtain 3 estimates which can include evidence of online prices, or recent prices from regular suppliers.
- For smaller purchases, all officers shall seek to achieve value for money.
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