



UPCHURCH PARISH COUNCIL

Clerk to the Council : Mrs J Cura

43 Woodside, Rainham, Kent, ME8 0PL

Tel: 01634-363906 email: clerk@upchurchpc.kentparishes.gov.uk

Mobile: 07718 570211

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FINANCIAL REGULATIONS (Adopted on 3rd March 2016)

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. 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.
- 1.2. The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. 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.
- 1.3. The RFO shall produce financial management information as required by the council.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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.
- 1.7. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly. The combined role will, hereafter, be known as 'The Officer'

2. ANNUAL ESTIMATES (BUDGET)

- 2.1. 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 Officer in the form of a budget to be considered by the council.
- 2.2. The Council shall review the budget not later than the end of December each year and shall fix the Precept to be levied for the ensuing financial year. The Officer shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.3. The annual budgets shall form the basis of financial control for the ensuing year.
- 2.4. The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3. BUDGETARY CONTROL

- 3.1. Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2. No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. 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.
- 3.3. The Officer shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.
- 3.4. The Officer may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of [£500]. The Officer shall report the action to the Council as soon as practicable thereafter.
- 3.5. **Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.**
- 3.6. No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1. All accounting procedures and financial records of the Council shall be determined by the Officer in accordance with the Accounts and Audit Regulations.
- 4.2. The Officer 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.
- 4.3. The Officer 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 within the timescales set by the Accounts and Audit Regulations.
- 4.4. The Officer shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the Officer or Internal Auditor requires, make available such documents of the Council which appear to the Officer or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the Officer or Internal Auditor with such information and explanation as the Officer or Internal Auditor considers necessary for that purpose.
- 4.5. 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 annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.6. The Officer 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. A designated councillor should be present at such inspections.
- 4.7. The Officer 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 matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1. The Council's banking arrangements, including the Bank Mandate, shall be made by The Officer and approved by the Council. They shall be regularly reviewed for efficiency.

- 5.2. Three councillors will be authorised signatories on the Council's bank accounts
- 5.3. One of the signatories will have access to the operation of the bank accounts, including online banking facilities
- 5.4. Any one of these three can act as a designated councillor at a given time.
- 5.5. A schedule of the payments required, forming part of the Agenda for the Meeting shall be prepared by The Officer and, together with the relevant invoices and bank reconciliation, be presented to Council. **If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialed by a designated Chair. The detail will be shown in the Minutes of the Meeting.**
- 5.6. Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.5, or in accordance with paragraph 6.4, shall be signed by two members of Council.
- 5.7. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6. PAYMENT OF ACCOUNTS

- 6.1. All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2. All invoices for payment shall be examined, verified and certified by a designated councillor. The councillor shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3. The Officer shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Officer shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Officer and designated Councillor certify that there is no dispute or other reason to delay payment, the Officer may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Officer (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.
- 6.6. To improve efficiency of the Council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that

the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.

- 6.7. Regular back up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably offsite.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council, through the appointed HR Committee, 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.
- 7.2. Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with 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 Council Meeting.

8. LOANS AND INVESTMENTS

- 8.1. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2. The council shall 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.
- 8.3. All investments of money under the control of the Council shall be in the name of the Council.
- 8.4. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- 8.5. All investment certificates and other documents relating thereto shall be retained in the custody of The Officer.

9. INCOME

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of The Officer.

- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to The Officer and The Officer shall be responsible for the collection of all accounts due to the Council.
- 9.3. The Council will review all fees and charges annually, following a report of The Officer.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5. All sums received on behalf of the Council shall be banked intact as directed by The Officer. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as The Officer considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8. The Officer shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the Council, The Officer 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.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by The Officer.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The Officer 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 Officer shall ensure that the statutory authority shall be reported

to the meeting at which the order is approved so that the Minutes can record the power being used.

11. CONTRACTS

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

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these exceptions 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 £500 (in excess of this sum The Officer 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.
- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by the Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contracts which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e. Such invitation to tender shall state the general nature of the intended contract and The Officer shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to The Officer in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which

the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- f. All sealed tenders shall be opened at the same time on the prescribed date by The Officer in the presence of at least one member of Council.
- g. Any invitation to tender issued under this regulation shall contain a statement to the effect of the Contracts Section of adopted Standing Orders
- h. When it is to enter into a contract less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) The Officer shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£3,000] and above [£1,000] The Officer shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply
- i. The Council shall not be obliged to accept the lowest of any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by The Officer upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by installments The Officer shall maintain a record of all such payments. The Council will retain 10% of the agreed total cost of work as final payment at completion. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and The Officer to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. ASSETS, PROPERTIES AND ESTATES

- 13.1. The Officer shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council.

- 13.2. The Officer shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.3. 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 £250.
- 13.4. The Officer 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, possibly in conjunction with a health and safety inspection of assets.

14. INSURANCE

- 14.1. Following the annual risk assessment (per Financial Regulation 15), The Officer shall effect all insurances and negotiate all claims on the Council's insurers.
- 14.2. The Officer shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 14.3. The Officer 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.
- 14.4. All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

15. RISK MANAGEMENT

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

16. REVISION OF FINANCIAL REGULATIONS

- 16.1. It shall be the duty of the Council to review the Financial Regulations of the Council on a regular basis, and at least once a year. The Officer 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.

- 16.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of the council.

17. Document History

Version	Review Date	Summary of Changes	Approved by
1.0	7/2/08	Document created & adopted	Full council
1.1	4/6/09	Unknown	
1.1	1/4/10	None	
1.1	3/3/11	None	
1.1	1/3/12	None	
1.2	4/2/13	Removed first paragraph (replaced with document history section 17) 1.6 - Formatting changes 9.9 (g) remove specific number reference to standing orders as very out of sync 11.1 (a) – wording change???? 13.1 Split to 2 paragraphs and renumbered section 16.1 wording change to clarify review frequency 17 – Added Document History	
1.3	5/2/15	Document amended to replace references to Clerk and RFO to be 'The Officer' Inserted 1.7 with text from 1.2 4.6 – Inserted designated councillor to be present at audits. 5.2 – stated number of signatories 5.3 –stated operation of online accounts practice 5.4 – definition of designated councillors 6.2 - designated councillor to approve invoices 6.7 – need for backups and offsite copies inserted 7.1 HR committee to fulfill employment arrangements	

1.4	14/2/16	<p>5.5 – Bank reconciliation added</p> <p>11.1 (v) – Increased from £500</p> <p>11.1 b,c and d all added in as per Model Financial Regs Jan 2016</p> <p>11.1 (g) – removed</p> <p>11.1 (h) – amounts amended to £25,000 from £50,000 and £100 to £1000 as per Model Financial Regs Jan 2016</p> <p>11.1 (k) added as per Model Financial Regs Jan 2016</p> <p>13.3 Amount altered from £50 to £250 as per Model Financial Regs Jan 2016</p> <p>16.2 – Added as per Model Financial Regs Jan 2016</p>	
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