



# Bodmin Town Council Financial Regulations

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Responsible Officer: Senior Accounts Officer

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## **FINANCIAL REGULATIONS**

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These Financial Regulations were adopted by the Policy & Resources Committee of Bodmin Town Council at its meeting held on 16 February 2023.

## **1. General**

- 1.1 These financial regulations govern the conduct of financial management by Bodmin Town Council and may only be amended or varied by resolution of the Council. Financial regulations must be observed in conjunction with the Council's Standing Orders and any individual financial regulations relating to contracts.
- 1.2 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 internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
  - a) for the timely production of accounts
  - b) that provide for the safe and efficient safeguarding of public money
  - c) to prevent and detect inaccuracy and fraud
  - d) identifying the duties of officers.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 Deliberate or willful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 Members of the Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Town Clerk has been appointed as acting RFO for this Council and these regulations will apply accordingly.
- 1.9 The Town Clerk:

- 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 accounting control systems
- ensures the accounting control systems are observed
- maintains the accounting records of the Council up to date in accordance with proper practices
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources
- produces financial management information as required by the Council

1.10 The accounting records determined by the Senior Accounts Officer shall be sufficient to show and explain the Council's transactions and to enable the Senior Accounts Officer to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.

1.11 The accounting records determined by the Town Clerk (delegated to Senior Accounts Officer) shall contain:

- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate
- a record of the assets and liabilities of the Council
- wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy

1.12 The accounting control systems determined by the Senior Accounts Officer shall include:

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records
- identification of the duties of officers dealing with financial

transactions and division of responsibilities of those officers in relation to significant transactions

- procedures to ensure that uncollectable amounts, including any bad debts, are not submitted to the Council for approval to be written off except with the approval of the Town Clerk and that the approvals are shown in the accounting records

1.13 Measures to ensure that risk is properly managed. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions, including any regarding:

- setting the final budget or the precept (council tax requirement)
- approving accounting statements
- approving an annual governance statement
- borrowing
- writing off bad debts
- declaring eligibility for the General Power of Competence
- addressing recommendations in any report from the internal or external auditors shall be a matter for Full Council only

1.14 In addition, the Council must:

- determine and keep under regular review the bank mandate for all council bank accounts
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its Terms of Reference

1.15 In these financial regulations, references to the Accounts and Audit Regulations or 'the Regulations' shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

## **2 Accounting and audit (internal and external)**

- 2.1 All accounting procedures and financial records of Bodmin Town Council shall be determined by the Senior Accounts Officer in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2 On a regular basis, at least once in each quarter, and at each financial year end, two members of the Policy & Resources Committee shall be appointed to verify bank reconciliations (for all accounts) produced by the Senior Accounts Officer. The members shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity, including any exceptions, shall on conclusion be reported to and noted by the Policy & Resources Committee.
- 2.3 The Town Clerk shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and, having certified the accounts, shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4 The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the Town Clerk, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6 The internal auditor shall:
  - be competent and independent of the financial operations of the Council
  - report to Council in writing, or in person, on a regular basis, with a minimum of one annual written report during each financial year
  - to demonstrate competence, objectivity and independence, and be free from any actual or perceived conflicts of interest, including those arising from family relationships

- not be involved in the financial decision making, management or control of the Council

2.7 Internal or external auditors may not under any circumstances:

- perform any operational duties for the Council
- initiate or approve accounting transactions
- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8 For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9 The Town Clerk 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 statements of account required by the Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10 The Town Clerk shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3 Annual estimates (budget) and forward planning**

3.1 Each committee shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to Full Council not later than the end of September each year, including any proposals for revising the forecast.

3.2 The Town Clerk (delegated to Senior Officer) must each year, by no later than December, prepare detailed estimates of all receipts and payments, including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Policy & Resources Committee.

3.3 Bodmin Town Council shall consider annual budget proposals in relation to the Council's three-year forecast of revenue and capital receipts and payments, including recommendations for the use of reserves and sources of funding, and update the forecast accordingly.

- 3.4 The Council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The Town Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5 The approved annual budget shall form the basis of financial control for the ensuing year.

#### **4 Budgetary control and authority to spend**

- 4.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Town Clerk and, where necessary, also by the Policy & Resources Committee.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of Full Council, or a duly delegated committee. 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'). Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.3 In cases of extreme risk to the delivery of Council services, the Town Clerk may authorise revenue expenditure on behalf of the Council which in the Town Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement, or other work, whether there is any budgetary provision for the expenditure or not, subject to a limit of £3,000. The Town Clerk shall report such action to the Mayor / Chair as soon as possible and to the Council as soon as practicable thereafter.
- 4.4 No expenditure shall be authorised 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,



and the requisite borrowing approval has been obtained.

- 4.5 All capital works shall be administered in accordance with the Council's Standing Orders and financial regulations relating to contracts.
- 4.6 The Town Clerk (delegated to the Senior Accounts 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 and shall show explanations of material variances. For this purpose, 'material' shall be in excess of 15% of the budget.
- 4.7 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **5 Banking arrangements and authorisation of payments**

- 5.1 Bodmin Town Council's banking arrangements, including the bank mandate, shall be made by the Town Clerk, and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2 The Town Clerk (delegated to the Senior Accounts Officer) shall prepare a schedule of payments requiring authorisation, forming part of the agenda for the meeting and, together with the relevant invoices, present the schedule to the Policy & Resources Committee or Full Council. The committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by a resolution of the Policy & Resources Committee or Full Council. The approved schedule shall be ruled off and initialed by the Chair of the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3 All invoices for payment shall be examined, verified, and certified by the Town Clerk (delegated to the Senior Accounts Officer) to confirm that the work, goods, or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.

- 5.4 The Town Clerk (delegated to the Senior Accounts Officer) shall examine invoices for arithmetical accuracy and analyze them to the appropriate expenditure heading. The Town Clerk (delegated to the Senior Accounts Officer) shall take all steps to pay all invoices submitted, and which are in order, as expediently as possible.
- 5.5 The Town Clerk shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) 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 Town Clerk certifies 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 Policy & Resources Committee:
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations), provided that a list of such payments shall be submitted to the next appropriate meeting of the Policy & Resources Committee.
  - c) If a list of BACS transfers within the Council's banking arrangements up to the sum of £75,000 is submitted to the next appropriate meeting of the Policy & Resources committee.
- 5.6 A record of payments made outside of the regular payment schedule shall be drawn up, considered by the Policy & Resources committee, and, if approved, be signed by one member on each occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.7 In respect of grants, a duly authorised committee shall approve expenditure within any limits set by Council, in accordance with the Council's Grants policy and subject to the submission of a successful PID application.
- 5.8 Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.9 The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

## **6 Instructions for the making of payments**

6.1 Bodmin Town Council will make safe and efficient arrangements for the making of its payments.

6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Town Clerk shall give instruction that a payment shall be made.

6.3 All payments shall be affected, with the authorisation of the Town Clerk, by BACS or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Full Council or the appropriate delegated committee.

6.4 Cheques or orders for payment drawn on the bank account in accordance with the schedule shall be signed by two members of Council and countersigned by the Town Clerk in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5 If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit, provided that the instructions are signed by two members, and the Town Clerk and any payments are reported to Council as made.

6.6 If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods, provided that the instructions for each payment are agreed and minuted by the relevant committee, are retained, and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.

6.7 If thought appropriate by the Council, payment for certain items may be made by internet banking transfer, provided evidence is retained showing which members approved the payment.

- 6.8 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.9 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 off site.
- 6.10 The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.11 Where internet banking arrangements are made with any bank, the Town Clerk shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify Councillor's who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.12 Access to any internet banking accounts will be directly to the access page (which may be saved under 'favourite's'), 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.
- 6.13 Changes to account details for suppliers which are used for internet banking may only be changed on written hard copy notification by the supplier. A program of regular checks of standing data with suppliers will be followed.
- 6.14 Any Debit Card issued for use will be specifically restricted to the Town Clerk and will also be restricted to a single transaction maximum value of £300, up to a maximum of £1,000 per month, unless authorised by Council or the Policy & Resources Committee in writing before any order is placed. Any other officer requiring use of the Debit Card must make a written request to the Town Clerk and a record will be kept.
- 6.15 Any trade card account opened by the Council will be restricted for use by staff only in exceptional circumstances and with the prior

authorisation of the Town Clerk and shall be subject to automatic payment in full at each month-end.

- 6.16 The Town Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses.
- a) The Town Clerk shall maintain a petty cash float of £750 for the purpose of defraying operational and other expenses. Payments may be made from petty cash up to a maximum of £30 for each transaction, and vouchers shall be kept substantiating the payment.
  - b) Payments to maintain the petty cash float shall be shown as petty cash payments on the schedule of payments presented to the Policy & Resources Committee as part of regular assertion reviews.

## **7 Payment of salaries**

- 7.1 As an employer, Bodmin Town Council shall arrange 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 salary rates shall be as agreed by the Policy & Resources committee.
- 7.2 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions, must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts. These payments will be processed by the Council's payroll provider, following authorisation by the Town Clerk.
- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Policy & Resources Committee.
- 7.4 Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). 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

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

- 7.5 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have been paid.
- 7.6 An effective system of personal performance management should be maintained for the senior officers.
- 7.7 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8 Before employing interim staff, the Council must consider a full business case.

## **8 Loans and investments**

- 8.1 All borrowings shall be affected in the name of Bodmin Town Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan, shall only be approved by the Policy & Resources Committee.
- 8.2 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or leasing of tangible assets) shall be subject to approval by the Policy & Resources Committee. In each case, a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3 The Town Clerk will arrange for a copy of a statement of account from the Council's banks and investment providers to be presented to the Mayor/Chair of the Council at the same time as one is issued to the Town Clerk.

- 8.4 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.
- 8.5 The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.6 All investments of money under the control of the Council shall be in the name of the Council.
- 8.7 All investment certificates and other documents relating thereto shall be retained in the custody of the Town Clerk.
- 8.8 Payments in respect of short-term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9 Income**

- 9.1 The collection of all sums due to Bodmin Town Council shall be the responsibility of and under the supervision of the Senior Accounts Officer.
- 9.2 Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Policy & Resources Committee and notified to the Town Clerk.
- 9.3 The Policy & Resources Committee will review all fees and charges at least annually, following a report from the Town Clerk.
- 9.4 Any sums found to be irrecoverable, and any bad debts shall be reported to the Policy & Resources Committee 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 Senior Accounts Officer. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Senior Accounts Officer considers necessary.
- 9.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.7 The Town Clerk shall ensure the prompt completion of any VAT Return that is required. Any repayment claims due in accordance with the

VAT Act 1994, Section 33, shall be made at least annually, coinciding with the financial year-end.

- 9.8 Where any significant sums of cash are regularly received by the Council, the Town Clerk 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 for the security and safety of individuals banking such cash.
- 9.9 Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by a meeting of the Managing Trustees of the charity, separately from any Council meeting (see also Regulation 16 below).
- 9.10 The Council requires the full cost of hire (inclusive of VAT and other charges) from hirers using the Council's premises to pay the total cost (inclusive of all charges & VAT) at least 7 days in advance of the hire. If this payment is not received the booking will be cancelled.

For private functions where room/s are hired for the purpose of a larger event such as weddings and also where outside spaces are hired the Council requires payment in full for the hire (inclusive of VAT and all charges) plus £100 deposit.

This is due at least 7 days in advance of the hire, if payment is not received the hire will be cancelled.

When a deposit is received the Council will

- i) hold the funds for the purpose of a deposit only.
- ii) if the room/ land has been left in the same condition as found the deposit will be returned to the hirer within 7 working days of the booking. (Town Clerk to have delegated authority to make payments to return funds in respect to deposits, these payments will be recorded on the Out of Committee section of the schedule)
- iii) Where additional charges are due for clearing or cleaning of the Council's premises or land then an additional invoice will be issued detailing the costs incurred. If any funds from the initial deposit remain



unallocated after the 2<sup>nd</sup> invoice, a refund will be issued within 7 working days (Refunds to be issued as per ii) above).

## **10 Orders for work, goods and services**

- 10.1 An official order 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 Orders shall be controlled by the Town Clerk, Community Services Manager/ Assistant Town Clerk and Estates Manager only.
- 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 Bodmin Town Council.
- 10.5 The Town Clerk (delegated to Senior Accounts 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 Town Clerk 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.
- 10.6 For more detailed information regarding purchasing please see the Council's Procurement Policy

## **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 this regulation need not apply to contracts which 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 legal professionals acting in disputes;

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 Bodmin Town Council;

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 contract 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 Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk, in the presence of at least one member of Council.

g) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act

2010.

h) When it is to enter into a contract of 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 Town Clerk or appropriate senior officer shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is above £1,500, the Town Clerk or appropriate senior 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 or 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 Town Clerk 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 instalments, the Town Clerk 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 Bodmin Town Council.

12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Policy & Resources Committee and Town Clerk to the contractor in writing, the committee being informed where the final cost is likely to exceed the financial provision.

## **13. Stores and equipment**

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

#### **14.Assets, properties, and estates**

- 14.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by Bodmin Town Council. The Town Clerk shall ensure a record is maintained of all properties held 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.
- 14.2 No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of Full Council or the relevant delegated committee, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £100.
- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. 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).
- 14.4 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).

- 14.5 Subject only to the limit set in Regulation 14.2 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.
- 14.6 The Town Clerk 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.

## **15. Insurance**

- 15.1 Following the annual risk assessment (per Regulation 17), the Town Clerk shall affect all insurances and negotiate all claims on Bodmin Town Council's insurers.
- 15.2 Officers shall give prompt notification to the Town Clerk of all new risks, properties or vehicles which are required to be insured and of any alterations affecting existing insurances.
- 15.3 The Town Clerk shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The Town Clerk shall be notified of any loss, liability or damage or of any event likely to lead to a claim and shall report these to the Policy & Resources Committee at the next available meeting.
- 15.5 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 Policy & Resources Committee.

## **16. Charities**

- 16.1 Bodmin Town Council is not currently the sole managing trustee of a charitable body. In the event of such a situation occurring, however,

the Town Clerk shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity law and legislation, or as determined by the Charity Commission. The Town Clerk shall arrange for any audit or independent examination as may be required by charity law or any governing document.

## **17. Risk management**

17.1 Bodmin Town Council is responsible for putting in place arrangements for the management of risk. The Senior Accounts Officer shall prepare, for approval by the Policy & Resources Committee, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Policy & Resources Committee at least annually.

17.2 When considering any new activity, the Town Clerk shall prepare a draft risk assessment, including risk management proposals for consideration and adoption by the Policy & Resources Committee.

## **18. Suspension and revision of Financial Regulations**

18.1 It shall be the duty of Bodmin Town Council to review the Financial Regulations of the Council from time to time. The Town Clerk shall arrange to monitor changes in legislation or proper practices and shall advise the Policy & Resources Committee of any requirement for a consequential amendment to these Financial Regulations.

18.2 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 Council.

## **19. Alternative Formats & Other Queries**

If you need this information in a different format or have any other queries regarding this policy, please contact us:

- by email: [info@bodmin.gov.uk](mailto:info@bodmin.gov.uk)
- by phone: 01208 76616
- by post: Shire Hall, Mount Folly, Bodmin, PL31 2DQ