

RECOMMENDATIONS OF CONSTITUTION WORKING GROUP

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LEAD OFFICER: Paul Walker

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Summary: Reports on recommendations made by the Constitution Working Group and endorsed by the Choosing to Change Board

Recommendation: That the changes to the Constitution described in the attached report be approved with immediate effect.

1. INTRODUCTION

1.1 The Constitution Working Group met on 2 November 2010 and made recommendations for various changes to the Council's Constitution.

These were reported on to the Choosing to Change Board for their approval and duly approved save that the Board deferred a decision on the need for Planning Panel substitutes to attend site visits for further consideration. For ease of reference the report to the Choosing to Change Board is attached.

2. CONCLUSIONS

2.1 It is recommended that the changes approved by the Choosing to Change Board as set out in the attached report be approved by Council with immediate effect.

List of Consultees: Leader of Council Chief Executive Director Resources and Transformation

Appendices A- Report to Choosing to Change Board

Background Papers: None

APPENDIX A

Report to Choosing to Change Board- 23 November 2010

Head of Legal and Democratic Services

Constitution Working Group

Purpose of Report

To update members of the Board on the work of the Constitution Review Group.

Recommendation

That the Board notes the contents of the report and recommends the changes agreed by the Constitution Working Group described below are submitted to and approved to Council.

Current Position

The Constitution Working Group met on 2 November 2010. The main piece of work it considered was revised Financial Regulations. These are as attached and were agreed by the group subject to Board and then Council approval. Although the format of the Financial Regulations differs from the current version much of the meaning has not changed.

Three further minor amendments to the Constitution are also recommended to the Choosing to Change Board and then to Council:-

1. At Rule 7.3 (b) of the Council Procedure Rules substitutes are allowed on Planning Panel provided the Chief Executive or the Head of Legal and democratic Services are notified at least 7 days beforehand in writing by the relevant Group Leader. In light of experience the Group were satisfied that this can be reduced to 2 days.
2. At Rule 7.3 (c) of the Council Procedure Rules it is currently a requirement that substitutes should have attended a planning site visit should there have been one on an application. It is recommended that this requirement is removed since (a) failure to attend a site visit can be overcome in other ways and (b) it would follow logically that substantive members of Planning Panel should also not participate in planning application decisions if they have not attended as site visit.

The Chair of the Planning Panel has been consulted on both the above proposals.

3. Rule 11 of the Contract Procedure Rules names the Democratic Services Manager as the person who should have custody of and be present at the

opening of tenders. Historically this has been because of his liaison role with Members two of whom previously had to be present at the opening of tenders. This is no longer the case and the Group now recommend that reference to the Democratic Services Manager in this rule be either deleted or where appropriate replaced by reference to the s.151 Officer or their representative.

Further areas of work for the Group include:-

Chapter 11 of the Constitution (Joint Arrangements Locality Working and Partnerships) which is to be developed further as the new LSP arrangements are developed.

The review of several parts of the new Constitution - for example Rule 13 on Questions by Members and Rule 6 on Personal Development for Members- and these will be considered initially by the Working Group. As suggested by the Board Aileen Johnson has been contacted with a view to advising on the review.

M. Jepson
Head of Legal and Democratic Services

Financial Regulations & Financial Procedure Rules

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1. Introduction

- 1.1 The Council's governance structure is laid down in its constitution, which sets out how it operates, how decisions are made and the procedures that need to be followed.
- 1.2 Financial regulations form part of the constitution and provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.
- 1.3 The regulations identify the financial responsibilities of the full council, executive and overview and scrutiny members, the head of paid service, the monitoring officer, the head of finance and other chief officers. Executive members and chief officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the chief officer in the regulations should be read as referring to them.
- 1.4 With regard to the above generic references, for the purpose of these regulations the following specific titles apply to Copeland Borough Council:
 - (a) "executive" – Executive Board;
 - (b) "overview and scrutiny members" – members of the Overview and Scrutiny Committees, Standards Committee and Council Panels;
 - (c) "head of paid service" – Chief Executive;
 - (d) "monitoring officer" – Head of Legal and Democratic Services;
 - (e) "chief finance officer" – the Section 151 Officer nominated by the Council;
 - (f) "chief officers" – Directors and Heads of Service;
 - (g) "corporate property officer" – Contracts and Projects Manager;
 - (h) "head of internal audit" – Audit & Fraud Prevention Manager;
 - (i) "head of human resources" - Human Resources Manager.

Organisational Framework

- 1.5 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and achieves best value.
- 1.6 The chief finance officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The chief finance officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to the executive members.
- 1.7 The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in the appendices to the financial regulations, and will be updated by the chief finance officer as necessary.
- 1.8 Chief officers are responsible for ensuring that all staff in their service units are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them.
- 1.9 The chief finance officer is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow. Such advice and guidance will have the same force as these regulations.

Key Responsibilities of Chief Officers

- 2.1 Throughout this document the key responsibilities of individual chief officers are identified. The following lists key responsibilities which give a broad outline of the nature of the control framework and the accountabilities of chief officers within it.
- 2.2 It is the responsibility of chief officers to consult with the chief finance officer and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.
- 2.3 To promote the financial management standards set by the chief finance officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the chief finance officer.
- 2.4 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.
- 2.5 To adhere to the accounting policies and guidelines approved by the chief finance officer.
- 2.6 To comply with accounting guidance provided by the chief finance officer and to supply the chief finance officer with information when required.
- 2.7 To maintain budgetary control within their departments, in adherence to the principles in paragraph 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.8 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.9 To work within budget limits and to utilise resources allocated, in the most efficient, effective and economic way.
- 2.10 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.
- 2.11 To ensure that resources are used only for the purposes for which they were intended.
- 2.12 To notify the chief finance officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the chief finance officer or the authority's insurers.
- 2.13 To ensure that there are regular reviews of risk within their service units.
- 2.14 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 2.15 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full council, following consultation with the chief finance officer.

- 2.16 To consult with the chief finance officer before changing any existing system or introducing new systems.
- 2.17 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 2.18 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the chief finance officer.
- 2.19 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.

Financial Regulation A - Financial Management

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

The Full Council

- A.2 The full council is responsible for adopting the council's constitution and members' code of conduct and for approving the policy framework and budget within which the executive operates. It is also responsible for approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in its constitution. The full council is also responsible for monitoring compliance with the agreed policy and related executive decisions.
- A.3 The full council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. Delegations and details of decision-making responsibilities are contained within the constitution.

The Executive

- A.4 The executive is responsible for proposing the policy framework and budget to the full council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5 Executive decisions can be delegated to a committee of the executive, an individual executive member, an officer or a joint committee.
- A.6 The executive is responsible for establishing protocols to ensure that individual executive members consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees of the Council

Overview and scrutiny committees

- A.7 The Council has two overview and scrutiny committees responsible for scrutinising executive decisions before or after they have been implemented and for holding the executive to account. The area of responsibility for each of the scrutiny committees is as follows;

- Internal
- External

The overview and scrutiny committees are also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

Audit committee

- A.8 The audit committee is an advisory body and reports to the full council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The committee is responsible for formally approving the Council's accounts prior to publication, reviewing the external auditor's reports and the annual audit letter and internal audit's annual report. For the purpose of external audit this committee comprises "those charged with governance".

Standards committee

- A.9 The standards committee is established by the full council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

Other regulatory committees

- A.10 Planning, conservation and licensing are not executive functions but are exercised through the planning panel and the taxi and general licensing committee.

The Statutory Officers

Head of paid service

- A.11 The head of paid service is responsible for the corporate and overall strategic management of the Council. He or she must report to and provide information for the executive, the full council, the overview and scrutiny committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The head of paid service is also responsible, together with the monitoring officer, for the system of record keeping in relation to all the full council's decisions (see A12 below).

Monitoring officer

- A.12 The monitoring officer is responsible for promoting and maintaining high standards of ethical conduct and therefore provides support to the standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full council and/or to the executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.13 The monitoring officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the executive and of those made by officers who have delegated executive responsibility.
- A.14 The monitoring officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.15 The monitoring officer is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.16 The monitoring officer (together with the chief finance officer) is responsible for advising the executive or full council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy
- committing expenditure in future years to above the budget level
- incurring interdepartmental transfers above virement limits
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

A.17 The monitoring officer is responsible for maintaining an up-to-date constitution.

Chief finance officer

A.18 The chief finance officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972,
- The Local Government Finance Act 1988,
- The Local Government and Housing Act 1989,
- The Accounts and Audit Regulations 2003,
- Local Government Act 2003.

A.19 The chief finance officer is responsible for:

- The proper administration of the authority's financial affairs.
- Setting and monitoring compliance with financial management standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information.
- Preparing the revenue budget and capital programme.
- Treasury management.

A.20 Section 114 of the Local Government Finance Act 1988 requires the chief finance officer to report to the full council, executive and external auditor if the authority or one of its officers:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure.
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority.
- Is about to make an unlawful entry in the authority's accounts.

Section 114 of the 1988 Act also requires:

- The chief finance officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- The Council to provide the chief finance officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out their duties under section 114.

Chief officers

A.21 Chief officers are responsible for:

- Ensuring that executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the chief finance officer.
- Liaising with the Head of Legal and Democratic Services in relation to signing any contracts on the Council's behalf.

A.22 It is the responsibility of chief officers to consult with the chief finance officer and seek approval on any matter liable to materially affect the authority's finances, before any commitments are incurred.

Other Financial accountabilities

Virement

A.23 The full council is responsible for agreeing procedures for virement of budget allocations between budget headings. These are set out in the Financial Management Standards [paragraphs 1.10 – 1.19].

A.24 Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the chief finance officer where required. They must notify the chief finance officer of all virements.

Treatment of year-end balances

A.25 The executive is responsible for agreeing procedures for carrying forward under- and over-spending on budget headings, provided that such carry forwards do not constitute an alteration to the policy and budget framework.

Accounting policies

A.26 The chief finance officer is responsible for selecting accounting policies in accordance with best professional practice and ensuring that they are applied consistently.

Accounting records and returns

A.27 The chief finance officer is responsible for determining the accounting procedures and records for the authority, and must be consulted on and approve proposals for change.

Financial systems

A.28 The chief finance officer is responsible for approving all the financial systems in operation within the authority and must be consulted on and approve any proposals for change.

The annual statement of accounts

A.29 The chief finance officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The Audit Committee is responsible for approving the annual statement of accounts on behalf of the full Council.

Financial Regulation B - Financial Planning

Introduction

B.1 The full council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the executive. In terms of financial planning, the key elements are:

- The corporate strategy,
- The budget,
- The capital programme.

Policy Framework

B.2 The full council is responsible for approving the policy framework and budget. The policy framework comprises the following statutory plans and strategies:

- Corporate strategy,
- Revenue budget,
- Capital programme,
- Treasury management policy statement & strategy,
- Community strategy,
- Other plans and strategies which together form the basis of the corporate strategy.

B.3 The full council is also responsible for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full council by the monitoring officer.

B.4 The full council is responsible for setting the level at which the executive may reallocate budget funds from one service to another. The executive is responsible for taking in year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.

Preparation of the corporate plan

B.5 The Head of Policy & Performance is responsible for proposing the corporate plan to the executive for consideration before its submission to the full council for approval.

Budgeting

Budget format

B.6 The general format of the budget will be approved by the full council and proposed by the executive on the advice of the chief finance officer. The draft budget should include allocation to different services and projects, proposed taxation levels, the use of provisions and the use of general and earmarked reserves.

Budget preparation

B.7 The chief finance officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a medium-term financial plan on a three-year basis for consideration by the executive, before submission to the full council. The full council may amend the budget or ask the executive to reconsider it before approving it.

- B.8 The executive is responsible for issuing guidance on the general content of the budget in consultation with the chief finance officer as soon as possible following approval by the full council.
- B.9 It is the responsibility of chief officers to ensure that service plans are submitted to the executive based on budget guidance issued by the executive.

Budget monitoring and control

- B.10 The chief finance officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must ensure that expenditure and income is monitored and controlled against budget allocations. Chief officers should receive reports on their performance against budget on a monthly basis and the executive will consider the overall financial position of the council on a quarterly basis.
- B.11 It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the chief finance officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the chief finance officer to any problems.

Resource allocation

- B.12 The chief finance officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full council's policy framework.

Preparation of the capital programme

- B.13 The chief finance officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the executive before submission to the full council.

Guidance

- B.14 Guidance on budget preparation is issued to members and chief officers by the executive following agreement with the chief finance officer. The guidelines will take account of:
- Legal requirements.
 - Medium-term planning prospects.
 - The corporate plan.
 - Available resources.
 - Spending pressures.
 - Best value and other relevant government guidelines.
 - Other internal policy documents.
 - Cross-cutting issues (where relevant).

Maintenance of reserves

- B.15 It is the responsibility of the chief finance officer to advise the executive and/or the full council on prudent levels of reserves for the authority.

Financial Regulation C - Risk Management and Control of Resources

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2 The executive is responsible for approving the council's risk management framework and for reviewing the effectiveness of risk management. The executive is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The chief finance officer is responsible for preparing the authority's risk management framework, for promoting it throughout the authority and for advising the executive on proper insurance cover where appropriate.

Internal Control

- C.4 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.5 The chief finance officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6 It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit requirements

- C.7 The Accounts and Audit Regulations 2003 require every local authority to maintain an adequate and effective internal audit.
- C.8 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

Preventing fraud and corruption

- C.10 The chief finance officer is responsible for the development and maintenance of an anti-fraud and corruption strategy.

Assets

- C.11 Chief officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- C.12 The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.13 The full council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full council by the executive. The chief finance officer has delegated responsibility for implementing and monitoring the statement.
- C.14 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the chief finance officer.
- C.15 The chief finance officer is responsible for reporting to the executive a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.16 All executive decisions on borrowing, investment or financing shall be delegated to the chief finance officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.17 The chief finance officer is responsible for reporting to the executive not less than four times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

Staffing

- C.18 The full council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.
- C.19 The head of paid service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the agreed systems for determining the remuneration of a job.
- C.20 Chief officers are responsible for controlling total staff numbers by:
- Advising the executive on the budget necessary in any given year to cover estimated staffing levels
 - Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
 - The proper use of appointment procedures.

Financial Regulation D - Systems and Procedures

Introduction

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D.2 The chief finance officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers to the existing financial systems or the establishment of new systems must be approved by the chief finance officer. However, chief officers are responsible for the proper operation of financial processes in their own departments.
- D.3 Any changes to agreed procedures by chief officers to meet their own specific service needs should be agreed in advance with the chief finance officer.
- D.4 Chief officers should ensure that their staff receive relevant financial training, as approved by the chief finance officer.
- D.5 Chief officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and expenditure – Scheme of delegation

- D.6 It is the responsibility of chief officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the chief officer's behalf, or on behalf of the executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to employees and Members

- D.7 The chief finance officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

- D.8 The chief finance officer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.
- D.9 The chief finance officer is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading accounts/Business units

- D.10 It is the responsibility of the chief finance officer to advise on the establishment and operation of trading accounts.

Financial Regulation E - External Arrangements

Introduction

- E.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

- E.2 The executive is responsible for approving delegations, including frameworks for partnerships. The executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3 The executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the executive remains accountable for them to the full council.
- E.4 The head of paid service represents the authority on partnership and external bodies, in accordance with the scheme of delegation.
- E.5 The monitoring officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships as those that apply throughout the authority.
- E.6 The chief finance officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7 Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- E.8 The chief finance officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Work for third parties

- E.9 The executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

Financial Procedure Rules

Section 1 - Financial Management

Financial Management Standards

Why are these important?

- 1.01 All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is achieved by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

- 1.02 The key controls and control objectives for financial management standards are:
- (a) Their promotion throughout the authority.
 - (b) A monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the executive and full council.

Responsibilities of the chief finance officer

- 1.03 To ensure the proper administration of the financial affairs of the authority.
- 1.04 To set the financial management standards and to monitor compliance with them.
- 1.05 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 1.06 To advise on the key strategic controls necessary to secure sound financial management.
- 1.07 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of chief officers

- 1.08 To promote the financial management standards set by the chief finance officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the chief finance officer.
- 1.09 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Managing expenditure

Scheme of virement

Why is this important?

1.10 The scheme of virement is intended to enable the executive, chief officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full council, and therefore to optimise the use of resources.

Key controls

1.11 Key controls for the scheme of virement are:

- (a) it is administered by the chief finance officer within the guidelines below. Any variation from this scheme requires the approval of the full council
- (b) the overall budget is agreed by the executive and approved by the full council. Chief officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, moving resources between approved estimates or heads of expenditure.
- (c) virement does not create additional overall budget liability. Chief officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off sources of savings or additional income, or create future commitments, including full year effects of decisions made part way through a year, without the prior approval of the chief finance officer. Chief officers must plan to fund such commitments from within their own budgets.
- (d) any virement affecting an employee subjective budget head can only proceed with the authorisation of the chief finance officer.

Responsibilities of the chief finance officer

1.12 To prepare jointly with the chief officer a report to the head of paid service where virements in excess of £10,000 are proposed.

Responsibilities of chief officers

1.13 A chief officer may exercise virement on budgets under his or her control for amounts up to £10,000 on any one budget head during the year, following notification to the chief finance officer and in consultation with the appropriate executive member under arrangements agreed by the full council and subject to the conditions in paragraphs 1.15 to 1.17 below.

1.14 Virement of amounts greater than £10,000 require the approval of the head of paid service and must be supported by a joint report from the chief finance officer and the chief officer. This report must provide details of the proposed expenditure and its source of funding and must explain the implications for the current and future financial years.

1.15 Virement of amounts greater than £50,000 require the approval of the full council.

1.16 The prior approval of the executive is required for any virement, of whatever amount, where it is proposed to:

- move resources between budgets of different accountable executive members
- move resources between budgets managed by different chief officers.

- 1.17 Virement that is likely to impact on the level of service activity of another chief officer can only be implemented only after agreement with the relevant chief officer.
- 1.18 Budget changes arising from virements can only be made when approvals under paragraphs 1.13 – 1.17 have been obtained.
- 1.19 Any approved budget, which takes the form of a lump-sum budget or contingency intended for allocation during the year, will not be treated as a virement when the allocation actually takes place.

Treatment of year-end balances

Why is this important?

- 1.20 The Council's Annual Closure of Accounts guidance sets out the treatment of year-end balances and is administered by the chief finance officer. Any variation from the treatment outlined in the guidance requires the approval of the executive and in cases where the value is over £50,000, full council.
- 1.21 The rules below cover arrangements for the carry forward of resources between one accounting year and the next. For the purposes of this scheme, a budget heading is a line in the estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA in the Service Expenditure Analysis within the Best Value Accounting Code of Practice.

Key controls

- 1.22 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the chief finance officer

- 1.23 To administer the scheme of carry-forward within the guidelines below.
- 1.24 To report all over-spending and under-spending on service estimates carried forward to the executive and to the full council.

Responsibilities of chief officers

- 1.25 Any overspending on service estimates in total on budgets under the control of the chief officer may be carried forward to the following year, and will constitute the first call on service estimates in the following year. The chief finance officer will report the extent of overspendings to be carried forward to the executive and to the full council.
- 1.26 Net under-spending on service estimates under the control of the chief officer may be carried forward, subject to the approval of a report by the executive on how the under-spending has arisen how it will be applied in the following financial year. If the executive does not approve the carry forward, the under-spend will be transferred into Council balances at the year end.

Accounting Policies

Why are these important?

1.27 The chief finance officer is responsible for the preparation of the council's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC), for each financial year ending 31 March.

Key controls

1.28 The key controls for accounting policies are:

- (a) systems of internal control are in place that ensure that financial transactions are lawful.
- (b) suitable accounting policies are selected and applied consistently.
- (c) proper accounting records are maintained.
- (d) financial statements are prepared, which present a true and fair view of the financial position of the Council and its associated expenditure and income.

Responsibilities of the chief finance officer

1.29 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and cover such items as:

- (a) separate accounts for revenue and capital spending.
- (b) the basis on which debtors and creditors at year end are included in the accounts.
- (c) details on material provisions and reserves.
- (d) fixed assets.
- (e) depreciation, impairment and other capital charges,
- (f) stocks and work in progress
- (g) accounting for value added tax
- (h) government grants
- (i) leasing
- (j) pensions.

Responsibilities of chief officers

1.30 To adhere to the above accounting policies and guidelines approved by the chief finance officer.

Accounting records and returns

Why are these important?

1.31 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

Key controls

- 1.32 The key controls for accounting records and returns are:
- (a) all executive members, finance staff and budget managers operate within the required accounting standards and timetables.
 - (b) all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure.
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded.
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the chief finance officer

- 1.33 To determine the accounting procedures and records to be kept by the Council.
- 1.34 To arrange for the compilation of all accounts and accounting records.
- 1.35 Wherever practicable, to comply with the principle of separation of duties when allocating accounting duties.
- 1.36 To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2003.
- 1.37 To ensure that all claims for funds including grants are made by the due date.
- 1.38 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the statement of accounts on behalf of the full Council by the statutory date.
- 1.39 To administer the Council's arrangements for under- and over-spending to be carried forward to the following financial year.
- 1.40 To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention schedule.

Responsibilities of chief officers

- 1.41 To consult and obtain the approval of the chief finance officer before making any changes to departmental accounting records and procedures.
- 1.42 To comply with the principles outlined in paragraph 1.35 when allocating accounting duties within departments.
- 1.43 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.44 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the chief finance officer.

The Annual Statement of accounts

Why is this important?

1.45 The Council has a statutory responsibility to prepare its accounts to present a true and fair view of its operations during the year. The Audit Committee is responsible for approving the statutory annual statement of accounts.

Key controls

1.46 The key controls for the annual statement of accounts are:

- the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers, namely the chief finance officer, has the responsibility for the administration of these affairs.
- the statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (the SORP) (CIPFA/LASAAC).

Responsibilities of the chief finance officer

1.47 To select suitable accounting policies and to apply them consistently.

1.48 To make judgements and estimates which are reasonable and prudent.

1.49 To comply with the Statement of Recommended Practice..

1.50 To sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the authority and its income and expenditure at the accounting date for the relevant year.

1.51 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of chief officers

1.52 To comply with accounting guidance provided by the chief finance officer and to supply the chief finance officer with information when required.

Appendix B - Financial Planning

Performance plans

Why are these important?

2.01 The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The Council does this at a corporate level through the Corporate Plan which sets out its priorities and outlines how these will be measured. There are also a number of plans which support the Corporate Plan.

Key controls

2.02 The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent.
- (b) to produce plans in accordance with any statutory requirements.
- (c) to meet the timetables set.
- (d) to ensure that all performance information is accurate, complete and up to date.
- (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the chief finance officer

2.03 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

2.04 To contribute to the development of corporate and service targets and performance information.

Responsibilities of the chief finance officer

2.05 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

2.06 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of chief officers

2.07 To contribute to the development of performance plans in line with statutory requirements.

2.08 To contribute to the development of corporate and service targets and objectives and performance information.

Budgeting

Format of the budget

Why is this important?

- 2.09 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

- 2.10 The key controls for the budget format are:
- (a) the format complies with all legal requirements and proper accounting practices;
 - (b) the format reflects accountability for service delivery.

Responsibilities of the chief finance officer

- 2.11 To advise the executive on the format of the budget that is approved by the full council.

Responsibilities of chief officers

- 2.12 To comply with accounting guidance provided by the chief finance officer.

Revenue budget preparation, monitoring and control

Why is this important?

- 2.13 Budget management ensures that once the budget has been approved by the full council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.14 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the chief officer's scheme of delegation.

Key controls

- 2.16 The key controls for managing and controlling the revenue budget are:
- (a) budget managers should be responsible only for income and expenditure that they can influence.
 - (b) there is a nominated budget manager for each cost centre heading.

- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- (d) budget managers follow an approved certification process for all expenditure.
- (e) income and expenditure are properly recorded and accounted for
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the chief finance officer

- 2.17 To establish an appropriate framework of budgetary management and control that ensures that:
- (a) budget management is exercised within annual cash limits unless the full council agrees otherwise.
 - (b) each chief officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
 - (c) expenditure is committed only against an approved budget head.
 - (d) all officers responsible for committing expenditure comply with the financial Regulations.
 - (e) each cost centre has a single named manager, determined by the relevant chief officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
 - (f) significant variances from approved budgets are investigated and reported by budget managers regularly.
- 2.18 To administer the Council's scheme of virement.
- 2.19 To submit reports to the executive and to the full council, in consultation with the relevant chief officer, where a chief officer is unable to balance expenditure and resources within existing approved budgets under his or her control.
- 2.20 To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of chief officers

- 2.21 To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the chief officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 2.23 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast
- 2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25 To provide information to the chief finance officer to enable reports on the service's projected expenditure compared with its budget to be made to the executive.

- 2.26 To ensure prior approval by the full council or executive (as appropriate) for new proposals, of whatever amount, that:
- (a) create financial commitments in future years.
 - (b) change existing policies, initiate new policies or cease existing policies.
 - (c) materially extend or reduce the authority's services.
- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant chief officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or chief officer's level of service activity.

Budget and medium-term planning

Why is this important?

- 2.29 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.
- 2.30 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31 Medium-term planning involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

Key controls

- 2.32 The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure.
 - (b) budget managers are consulted in the preparation of the budgets for which they will be held accountable within the delegated limits set by the executive for their budgets and the level of service to be delivered.
 - (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the chief finance officer

- 2.33 To prepare and submit reports on budget prospects for the executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the full council, and after consultation with the executive and chief officers.
- 2.35 To prepare and submit reports to the executive on the aggregate spending plans of service units and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.

- 2.36 To advise on the medium-term implications of spending decisions.
- 2.37 To encourage the best use of resources and value for money by working with chief officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.38 To advise the full council on executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of chief officers

- 2.39 To prepare estimates of income and expenditure, in consultation with the chief finance officer, to be submitted to the executive.
- 2.40 To prepare budgets which are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidance issued by the executive. The format should be prescribed by the chief finance officer in accordance with the full council's general directions.
- 2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42 In consultation with the chief finance officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 2.43 When drawing up draft budget requirements, to have regard to:
- (a) spending patterns and pressures revealed through the budget monitoring process
 - (b) legal requirements
 - (c) policy requirements as defined by the full council in the approved policy framework
 - (d) initiatives already under way.

Resource allocation

Why is this important?

- 2.44 A mismatch often exists between available resources and required resources to meet needs and desires. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

- 2.45 The key controls for resource allocation are:
- (a) resources are acquired in accordance with the law and using an approved authorisation process
 - (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
 - (c) resources are securely held for use when required
 - (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the chief finance officer

- 2.46 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- 2.47 To assist in the allocation of resources to budget managers.

Responsibilities of chief officers

- 2.48 To work within budget limits and to utilise allocated resources in the most efficient, effective and economic way.
- 2.49 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital programmes

Why are these important?

- 2.50 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 2.51 The Government places strict controls on the capital financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

- 2.52 The key controls for capital programmes are:
- (a) specific approval by the full council for the programme of capital expenditure.
 - (b) expenditure on capital schemes is subject to the approval of the executive and chief finance officer.
 - (c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the executive.
 - (d) approval by the executive where capital schemes are to be financed from revenue sources, up to a specified amount, and subject to the approval of the full council, where the expenditure exceeds this amount.
 - (e) proposals for improvements and alterations to buildings must be approved by the appropriate chief officer.
 - (f) schedules for individual schemes within the overall budget approved by the full council must be submitted to the executive for approval (for example, minor works), or under other arrangements approved by the full council.
 - (g) the development and implementation of asset management plans.
 - (h) accountability for each proposal is accepted by a named manager.
 - (i) monitoring of progress on a capital scheme, particularly monitoring spending against an approved budget is carried out on a regular basis, at least monthly.

Responsibilities of the chief finance officer

- 2.53 To prepare a capital programme jointly with chief officers and the head of paid service and obtain the approval of the executive for the programme. The executive will make recommendations on the budgets within the capital programme estimates and on any associated financing requirements to the full council. Executive member approval is required where a chief officer proposes to bid for or exercise an additional borrowing approval not anticipated in the capital programme. This is necessary as extra borrowing may create future capital financing commitments to be met from the revenue budget.
- 2.54 To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates.
- 2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the chief finance officer, having regard to government regulations and accounting requirements.
- 2.56 To obtain authorisation from the executive for individual schemes where the estimated expenditure exceeds the capital programme provision.

Responsibilities of chief officers

- 2.57 To comply with the guidance concerning capital schemes and controls..
- 2.58 To ensure that all capital proposals have undergone a project appraisal in accordance with the above guidance.
- 2.59 To prepare regular reports, at least quarterly, reviewing the capital programme provisions for their services. As schemes near completion, a quarterly return of estimated final costs of schemes in the approved capital programme should be prepared for submission to the chief finance officer.
- 2.60 To ensure that adequate records are maintained for all capital contracts.
- 2.61 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the chief finance officer, where required.
- 2.62 To prepare and submit reports, jointly with the chief finance officer, to the executive, of any material variation in contract costs.
- 2.63 To prepare and submit reports, jointly with the chief finance officer, to the executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than a specified amount.
- 2.64 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the chief finance officer and, if applicable, approval of the scheme through the capital programme.

Maintenance of reserves

Why is this important?

- 2.65 The Council must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves earmarked for specific purposes may also be maintained, following approval by the chief finance officer and / or the executive.

Key controls

- 2.66 To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting policies.
- 2.67 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.68 Expenditure to be financed from reserves is authorised by the chief finance officer in consultation with the appropriate chief officer.

Responsibilities of the chief finance officer

- 2.69 To advise the executive and/or the full council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.
- 2.70 To agree the use of general and earmarked reserves with chief officers, the executive and where necessary full council.

Responsibilities of chief officers

- 2.71 To ensure that reserves are used only for the purposes for which they were intended.
- 2.72 To agree with the chief finance officer the use of earmarked reserves within any one financial year.

Appendix C - Risk Management and Control of Resources

Risk Management

Why is this important?

- 3.01 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk.
- 3.02 Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.03 It is the overall responsibility of the executive to approve the authority's Risk Management Framework and to promote a culture of risk management awareness throughout the authority.

Key controls

3.04 The key controls for risk management are:

- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
- (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
- (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
- (d) provision is made for losses that might result from the risks that remain.
- (e) procedures are in place to investigate claims within required timescales.
- (f) acceptable levels of risk are determined and insured against where appropriate.
- (g) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Responsibilities of the chief finance officer

- 3.05 To prepare and promote the authority's Risk Management Framework.
- 3.06 To develop risk management controls in conjunction with other chief officers.
- 3.07 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 3.08 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of chief officers

- 3.09 To notify the chief finance officer immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the chief finance officer or the authority's insurers.

- 3.10 To take responsibility for risk management, having regard to advice from the chief finance officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 3.11 To ensure that there are regular reviews of risk within their service units.
- 3.12 To notify the chief finance officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.13 To consult the chief finance officer and the monitoring officer on the terms of any indemnity that the authority is requested to give.
- 3.14 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Internal Controls

Why are these important?

- 3.15 The authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.16 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.17 The authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.18 The system of internal controls is established in order to provide measurable achievement of:
 - (a) efficient and effective operations,
 - (b) reliable financial information and reporting,
 - (c) compliance with laws and regulations,
 - (d) risk management.

Key controls

- 3.19 The key controls and control objectives for internal control systems are:
 - (a) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively,
 - (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities,
 - (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems,
 - (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in

Local Government in the United Kingdom and with any other statutory obligations and regulations.

Responsibilities of the chief finance officer

- 3.20 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of chief officers

- 3.21 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 3.22 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the chief finance officer. Chief officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 3.23 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements

Internal Audit

Why is this important?

- 3.24 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2003 require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper internal audit practices”.
- 3.25 Accordingly, internal audit is an independent appraisal function established by the authority for the review of the internal control system as a service to the organisation. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

- 3.26 The key controls for internal audit are:
- (a) that it is independent in its planning and operation,
 - (b) the head of internal audit has direct access to the head of paid service, all levels of management and directly to elected members,
 - (c) the internal auditors comply with CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom.

Responsibilities of the chief finance officer

- 3.27 To ensure that internal auditors have the authority to:
- (a) access authority premises at reasonable times,
 - (b) access all assets, records, documents, correspondence and control systems,

- (c) receive any information and explanation considered necessary concerning any matter under consideration,
- (d) require any employee of the authority to account for cash, stores or any other authority asset under his or her control,
- (e) access records belonging to third parties, such as contractors, when required,
- (f) directly access the head of paid service, the executive and audit committee as and when necessary.

- 3.28 To approve the strategic and annual audit plans prepared by the head of internal audit, which take account of the characteristics and relative risks of the activities involved.
- 3.29 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of chief officers

- 3.30 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.31 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.32 To consider and respond promptly to recommendations in audit reports.
- 3.33 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.34 To notify the chief finance officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the chief officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.35 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

External Audit

Why is this important?

- 3.36 The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.37 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties.
-
- 3.38 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents a true and fair view' of the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

Key controls

- 3.39 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the chief finance officer

- 3.40 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 3.41 To ensure there is effective liaison between external and internal audit.
- 3.42 To work with the external auditor and advise the full council, executive and chief officers on their responsibilities in relation to external audit.

Responsibilities of chief officers

- 3.43 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.44 To ensure that all records and systems are up to date and available for inspection.

Preventing fraud and corruption

Why is it this important?

- 3.45 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 3.46 The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 3.47 The authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

Key controls

- 3.48 The key controls regarding the prevention of financial irregularities are that:
- (a) the authority has an effective anti-fraud and anti-corruption strategy and maintains a culture that will not tolerate fraud or corruption,
 - (b) all members and staff act with integrity and lead by example,
 - (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt,
 - (d) high standards of conduct are promoted amongst members by the standards committee,
 - (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded,
 - (f) whistle blowing procedures are in place and operate effectively,
 - (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the chief finance officer

- 3.49 To develop and maintain an anti-fraud and corruption strategy.
- 3.50 To maintain adequate and effective internal control arrangements.
- 3.51 To ensure that all suspected irregularities are reported to the head of internal audit, the head of paid service, the executive and the audit committee.

Responsibilities of chief officers

- 3.52 To ensure that all suspected irregularities are reported to the chief finance officer.
- 3.53 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.54 To ensure that where financial impropriety is discovered, the chief finance officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 3.55 To maintain a departmental register of interests.

Assets

Security

Why is this important?

- 3.56 The authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

- 3.57 The key controls for the security of resources such as land, buildings, fixed plant, machinery, equipment, software and information are:
 - (a) resources are used only for the purposes of the authority and are properly accounted for;
 - (b) resources are available for use when required;
 - (c) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits;
 - (d) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset;
 - (e) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation;
 - (f) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

Responsibilities of the chief finance officer

- 3.58 To ensure that an asset register is maintained in accordance with good practice. All assets with either a purchase price (if known) or an approximate replacement value of over £100 should be included. Highly desirable portable assets with a lower value may also be included. The function of the asset register is to provide the authority with information about fixed assets so that they are:
- safeguarded,
 - used efficiently and effectively,
 - adequately maintained.
- 3.59 To receive the information required for accounting, costing and financial records from each chief officer.
- 3.60 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC).

Responsibilities of chief officers

- 3.61 The corporate property officer shall maintain a property database in a form approved by the chief finance officer for all land and property currently owned or used by the authority. Any use of land or property by a service unit should be supported by documentation identifying terms, responsibilities and duration of use.
- 3.62 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the chief officer in consultation with the chief finance officer, has been established as appropriate.
- 3.63 To ensure the proper security of all buildings and other assets under their control.
- 3.64 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the chief officer and the chief finance officer.
- 3.65 Where items of equipment become surplus to requirements or obsolete, recommendations for disposal, including the potential re-use of the equipment by the voluntary sector shall be agreed with the chief finance officer.
- 3.66 To pass title deeds to the appropriate chief officer who is responsible for custody of all title deeds.
- 3.67 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 3.68 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 3.69 To ensure that the service unit maintains a register of moveable assets in accordance with arrangements defined by the chief finance officer.
- 3.70 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

- 3.71 To consult the chief finance officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.72 To ensure cash holdings on premises are kept to a minimum.
- 3.73 To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the chief finance officer as soon as possible.
- 3.74 To record all disposals or part exchange of land and buildings that should normally be by competitive tender or public auction, unless, following consultation with the chief finance officer, the executive agrees otherwise.
- 3.75 To assist with the valuation of assets for accounting purposes to meet requirements specified by the chief finance officer.
- 3.76 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.

Inventories

- 3.77 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery. All assets with either a purchase price (if known) or an approximate replacement value of over £100 should be included. Highly desirable portable assets with a lower value may also be included.
- 3.78 To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 3.79 To make sure that property is only used in the course of the authority's business, unless the chief officer concerned has given permission otherwise.

Stocks and stores

- 3.80 To make arrangements for the care and custody of stocks and stores in the department.
- 3.81 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.82 To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain executive approval if they are in excess of a predetermined limit.
- 3.83 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the chief finance officer, the executive decides otherwise in a particular case.
- 3.84 To seek executive approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.

Intellectual property

Why is this important?

- 3.85 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 3.86 Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

- 3.87 In the event that the authority decides to become involved in the commercial exploitation of intellectual property, the matter should proceed in accordance with the authority's approved procedures.

Responsibilities of the chief finance officer

- 3.88 To develop and disseminate good practice through the authority's intellectual property procedures.

Responsibilities of chief officers

- 3.89 To ensure that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware of an employer's rights with regard to intellectual property.

Asset disposal

Why is this important?

- 3.90 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the authority's contract procedure rules / scheme of delegation.

Key controls

- 3.91 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. The chief finance officer, in conjunction with the appropriate chief officer, may approve the donation of assets which are surplus to requirements and have little or no residual value to the voluntary sector. For items of significant value, disposal should be by competitive tender or public auction.
- 3.92 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the chief finance officer

- 3.93 To issue guidelines representing best practice for disposal of assets.
- 3.94 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

Responsibilities of chief officers

- 3.95 To comply with the guidelines representing best practice for the disposal of assets issued by the chief finance officer.
- 3.96 To ensure that income received for the disposal of an asset equals its sale price and is properly banked and accounted for within the Council's financial system.

Treasury Management

Why is this important?

- 3.97 Many millions of pounds pass through the authority's accounts each year. This has led to the setting up of the CIPFA Code of Practice on Treasury Management and the Prudential Code to provide assurances that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

Key controls

- 3.98 That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's treasury policy statement.

Responsibilities of chief finance officer – treasury management and banking

- 3.99 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- 3.100 To report quarterly year on treasury management activities to the executive.
- 3.101 To operate such bank accounts as are considered necessary. Any changes to the number of bank accounts operated by the authority shall require the approval of the chief finance officer.

Responsibilities of chief officers – treasury management and banking

- 3.102 To follow the instructions on banking issued by the chief finance officer.

Responsibilities of chief finance officer – investments and borrowing

- 3.103 To ensure that all investments of money are made in the name of the authority.
- 3.104 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate chief officer.
- 3.105 To effect all borrowings in the name of the authority.
- 3.106 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

Responsibilities of chief officers – investments and borrowing

3.107 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full council, following consultation with the chief finance officer.

Responsibilities of chief officers – trust funds and funds held for third parties

3.108 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the chief finance officer, unless the trust deed provides otherwise.

3.109 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the chief finance officer, to maintain written records of all transactions and where appropriate maintain separate bank accounts.

3.110 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the chief finance officer – imprest accounts

3.111 To provide employees of the authority with cash or bank imprest accounts to meet minor expenditure on behalf of the authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.

3.112 To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

3.113 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of chief officers – imprest accounts

3.114 To ensure that employees operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained.
- (b) make adequate arrangements for the safe custody of the account.
- (c) produce upon demand by the chief finance officer cash and all vouchers to the total value of the imprest amount.
- (d) record transactions promptly.
- (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder.
- (f) provide the chief finance officer with a certificate of the value of the account held at 31 March each year.
- (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
- (h) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the chief finance officer for the amount advanced to him or her.

Staffing

Why is this important?

3.115 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

3.116 The key controls for staffing are:

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
- (b) procedures are in place for forecasting staffing requirements and their cost.
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority.
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the chief finance officer

3.117 To ensure that budget provision exists for all existing and new employees.

3.118 To act as an advisor to chief officers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of chief officers

3.119 To produce an annual staffing budget.

3.120 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

3.121 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

3.122 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

3.123 To ensure that the head of human resources and the chief finance officer are immediately informed if the staffing budget is likely to be materially over- or underspent.

Appendix D - Financial Systems and Procedures

General

Why is this important?

- 4.01 Service units have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Service units are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.02 The chief finance officer has both a professional and a statutory responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

- 4.03 The key controls for systems and procedures are:
- (a) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated.
 - (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis.
 - (c) early warning is provided of deviations from target, plans and budgets that require management attention.
 - (d) operating systems and procedures are secure.

Responsibilities of the chief finance officer

- 4.04 To make arrangements for the proper administration of the authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the authority's behalf.
 - (b) determine the accounting systems, form of accounts and supporting financial records.
 - (c) establish arrangements for audit of the authority's financial affairs.
 - (d) approve any new financial systems to be introduced.
 - (e) approve any changes to be made to existing financial systems.

Responsibilities of chief officers

- 4.05 To ensure that accounting records are properly maintained and held securely.
- 4.06 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the chief finance officer.
- 4.07 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.08 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed.
 - (b) all processing is carried out in an accurate, complete and timely manner.

(c) output from the system is complete, accurate and timely.

- 4.09 To ensure that the organisational structure provides for an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.10 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 4.11 To ensure that systems are documented and staff trained in their operation.
- 4.12 To consult with the chief finance officer before changing any existing, or introducing new systems that may change the treatment of financial transactions.
- 4.13 To establish a scheme of delegation identifying officers authorised to act upon the chief officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 4.14 To supply the chief finance officer with details of authorized officers, delegated limits and where appropriate specimen signatures, together with any subsequent variations.
- 4.15 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.16 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.17 To ensure that relevant standards and guidelines for computer systems are observed.
- 4.18 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.19 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers
 - (b) staff are aware of legislative provisions
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

Income and expenditure

Income

Why is this important?

- 4.20 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost of administering debts.

Key controls

- 4.21 The key controls for income are:

- (a) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.
- (c) all money received by an employee on behalf of the authority is paid without delay to the chief finance officer or, as he or she directs, to the authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due,
 - for reconciling the amount due to the amount received.
- (d) effective action is taken to pursue non-payment within defined timescales.
- (e) formal approval for debt write-off is obtained.
- (f) appropriate write-off action is taken within defined timescales.
- (g) appropriate accounting adjustments are made following write-off action.
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the chief finance officer

- 4.22 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 4.23 To approve the form of all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 4.24 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.25 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.26 To ensure that money collected and deposited is reconciled to the bank account on a regular basis.
- 4.27 To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums to the relevant executive member or the executive cabinet.
- 4.28 To approve all debts to be written off in consultation with the relevant chief officer and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2003.
- 4.29 To obtain the approval of the executive in consultation with the relevant chief officer for writing off debts in excess of the approved limit.
- 4.30 To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of chief officers

- 4.31 To establish a departmental charging policy for the supply of goods or services in conjunction with the chief finance officer that sets out the fees and charges levied by the department and the basis of each charge. The charging policy should include the appropriate charging of VAT, and reviewed annually, in line with corporate policies.

- 4.32 To issue official receipts or to maintain other documentation for income collection.
- 4.33 To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.34 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 4.35 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail.
- 4.36 To ensure income is not used to cash personal cheques or other payments.
- 4.37 To ensure that details relating to work done, goods supplied, services rendered or other amounts due are recorded correctly and the sums due to the authority are billed promptly.

Ordering and paying for work, goods and services

Why is this important?

- 4.38 Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the authority's Staff Guide to Procurement.

General

- 4.39 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.
- 4.40 All official orders must be placed on the Authority's financial system. Official orders must be issued for all work, goods or services to be supplied to the authority. Any exceptions must be agreed with the chief finance officer.
- 4.41 All orders on receipt must be checked and correctly recorded on the Authority's financial system.
- 4.42 Apart from petty cash and other payments from advance accounts, the normal method of payment from the authority shall be by BACS. Any exception to this shall be by agreement with the chief finance officer.
- 4.43 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

Key controls

- 4.44 The key controls for ordering and paying for work, goods and services are:
 - (a) all goods and services are ordered only by appropriate persons and are correctly recorded.
 - (b) all goods and services shall be ordered in accordance with the authority's contract standing orders.
 - (c) goods and services received are checked to ensure they are in accordance with the order.

- (d) payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards.
- (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
- (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule.
- (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the chief finance officer

- 4.45 To ensure that all the authority's financial systems and procedures are sound and properly administered.
- 4.46 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.47 To approve the form of official orders and associated terms and conditions.
- 4.48 To make payments from the authority's funds on the chief officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 4.49 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.50 To make payments to contractors on the certificate of the appropriate chief officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.51 To make payments by the most economical means.

Responsibilities of chief officers

- 4.52 To ensure that official orders have a unique reference number and are used for all goods and services, other than the exceptions specified in 4.41.
- 4.53 To ensure that orders are only used for goods and services provided to the service unit. Individuals must not use official orders to obtain goods or services for their private use.
- 4.54 To ensure that only those staff authorised by him or her approve / authorise orders and to maintain a list of such authorized staff, identifying in each case the limits of their authority.
- 4.55 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Where appropriate entries should then be made in inventories or stores records.
- 4.56 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
 - (a) receipt of goods or services,
 - (b) that the invoice has not previously been paid,
 - (c) that expenditure has been properly incurred and is within budget provision,

- (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices,
- (e) correct accounting treatment of tax,
- (f) that the invoice is correctly coded
- (g) that discounts have been taken where available
- (h) that appropriate entries will be made in accounting records.

- 4.57 To ensure that two authorised members of staff are involved in the ordering and receiving process.
- 4.58 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers and details of the limits of their authority shall be forwarded to the chief finance officer.
- 4.59 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice.
- 4.60 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Corporate Procurement Team, which are in line with best value principles and contained in the authority's Staff Guide to Procurement.
- 4.61 To utilise the central purchasing procedures established by the Council in putting purchases, where appropriate, out to competitive quotation or tender as outlined in the Contract Standing Orders and Staff Guide to Procurement.
- 4.62 To ensure that employees are aware of the national code of conduct for local government employees.
- 4.63 To notify the chief finance officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the chief finance officer.
- 4.64 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the chief finance officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 4.65 To notify the chief finance officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.66 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

Payments to employees and Members

Why is this important?

- 4.67 Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and

that members' allowances are authorised in accordance with the scheme adopted by the full council.

Key controls

4.68 The key controls for payments to employees and members are:

(a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:

- starters
- leavers
- variations
- Enhancements

and that payments are made on the basis of timesheets or claims.

- (b) frequent reconciliation of payroll expenditure against approved budget and bank account.
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.
- (d) that Inland Revenue regulations are complied with.

Responsibilities of the chief finance officer

4.69 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.

4.70 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

4.71 To make arrangements for payment of all travel and subsistence claims or financial loss allowance.

4.72 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

4.73 To provide secure payment of salaries and wages by the most economical means.

4.74 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

4.75 To ensure that the payroll provider is provided with signatures of personnel officers and officers authorised to sign timesheets and claims.

4.76 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

Responsibilities of chief officers

4.77 To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available.

- 4.78 To notify the Director of Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the chief finance officer.
- 4.79 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees,
 - payments are only made where there is a valid entitlement,
 - conditions and contracts of employment are correctly applied,
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.80 To send an up-to-date list of the names of officers authorised to sign records to the chief finance officer, together with specimen signatures.
- 4.81 To ensure that payroll transactions are processed only through the payroll system. Chief officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the chief finance officer.
- 4.82 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the chief finance officer is informed where appropriate.
- 4.83 To ensure that the chief finance officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

Responsibilities of members

- 4.84 To submit claims for members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

Taxation

Why is this important?

- 4.85 Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

- 4.86 The key controls for taxation are:
- (a) budget managers are provided with relevant information and kept up to date on tax issues,
 - (b) budget managers are instructed on required record keeping,
 - (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales,
 - (d) records are maintained in accordance with instructions,
 - (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the chief finance officer

- 4.87 To complete all Inland Revenue returns regarding PAYE.
- 4.88 To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- 4.89 To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- 4.90 To maintain up-to-date guidance for authority employees on taxation issues.
- 4.91 To maintain and monitor the Council's partial exemption position.

Responsibilities of chief officers

- 4.92 To ensure (in conjunction with the chief finance officer) that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.
- 4.93 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 4.94 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona-fide self-employed or are employed by a recognised staff agency.
- 4.95 To follow the guidance on taxation issued by the chief finance officer.

Appendix E - External Arrangements

Partnerships

Why are these important?

- 5.01 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 5.02 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- 5.03 The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk.
 - (b) the ability to access new resources.
 - (c) to provide new and better ways of delivering services.
 - (d) to forge new relationships.
- 5.04 The Council has adopted the Audit Commission's definition of partnership, which defines a partnership as "an agreement between two or more independent bodies to work collectively to achieve an objective."
- 5.05 Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others.
 - (b) acting as a project funder or part funder.
 - (c) being the beneficiary group of the activity undertaken in a project.
- 5.06 Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives,
 - (c) be open about any conflict of interests that might arise,
 - (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors,
 - (e) to hold confidentially any information received as a result of partnership, activities or duties that is of a confidential or commercially sensitive nature,
 - (f) to act wherever possible as ambassadors for the project.

Key controls

- 5.07 The Council's Framework for Partnership Working sets out in detail the procedures to be followed in establishing, managing and contributing to partnerships. The Framework also

provides guidance on the governance and control arrangements, which should be in place for all key partnerships.

Responsibilities of the chief finance officer

5.08 To review and update the Framework for Partnership Working to ensure that it continues to meet best practice.

5.09 To initiate monitoring arrangements to oversee compliance.

Responsibilities of chief officers

5.10 To comply with all aspects of the Council's Framework for Partnership Working.

External Funding

Why is this important?

5.11 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery provide additional resources to enable the authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the authority's overall plan.

Key controls

5.12 The key controls for external funding are:

- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full council.
- (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the chief finance officer

5.13 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.

5.14 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

5.15 To ensure that audit requirements are met.

Responsibilities of chief officers

5.16 To ensure that all claims for funds are made by the due date.

5.17 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

Work for third parties

Why is this important?

5.18 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work can legally be carried out by the authority.

Key controls

5.19 The key controls for working with third parties are:

- (a) to ensure that the cost of any proposals are properly calculated in accordance with guidance provided by the chief finance officer.
- (b) to ensure that contracts are drawn up using guidance provided by the chief finance officer and that the formal approvals process is adhered to.
- (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of chief finance officer

5.20 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of chief officers

5.21 To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.

5.22 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the chief finance officer.

5.23 To ensure that appropriate insurance arrangements are made.

5.24 To ensure that the authority is not put at risk from any bad debts.

5.25 To ensure that no contract is subsidised by the authority.

5.26 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

5.27 To ensure that the service unit has the appropriate expertise to undertake the contract.

5.28 To ensure that such contracts do not impact adversely upon the services provided for the authority.

5.29 To ensure that all contracts are properly documented.

5.30 To provide appropriate information to the chief finance officer to enable a note to be entered into the statement of accounts.