

AGENDA SUPPLEMENT (2)

Meeting: Standards Committee
Place: Salisbury Room - County Hall, Trowbridge
Date: Friday 25 April 2014
Time: 2.00 pm

The Agenda for the above meeting was published on 15 April 2014. Additional documents are now available following revisions to documents requested by the Constitutional Focus Group.

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Recommendations and Update from the Constitution Focus Group** *(Pages 1 - 104)*

Minutes of the Constitution Focus Group 19 March 2014
Minutes of the Constitution Focus Group 15 April 2014
Revised Part 4A - Petitions Scheme
Revised Part 9 - Financial Procedures and Regulations

DATE OF PUBLICATION: 25 April 2014

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 19 MARCH 2014 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Jon Hubbard, Cllr Julian Johnson, Mr Paul Neale, Cllr Helen Osborn, Cllr Jeff Osborn, Miss Pam Turner and Cllr Stuart Wheeler (Chairman)

10 **Apologies**

There were no apologies.

11 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 January 2014 were presented for consideration. It was,

Resolved:

To approve as a true and correct record and sign the minutes.

12 **Declarations of Interest**

There were no declarations.

13 **Review of Part 4 of the Constitution - Petitions**

At its previous meeting on 8 January 2014 the Constitution Focus Group considered changes that were required to the constitution as a result of the statutory petition scheme no longer being in force with the repeal of the underpinning Act. The Focus Group had considered that it was desirable that there be triggers for specific actions should a petition reach a certain size, and requested details and proposals for them to consider where any such thresholds should apply.

The Deputy Monitoring Officer presented a report which provided details of thresholds for specific actions in other local authorities, as well as rules on eligibility of petitioners in relation to age and connection with the county, and rules on e-petitions, and invited the Focus Group to make a determination as to the best way forward.

The Focus Group considered that the initial barrier for a request to be accepted as a petition was currently too low, with only 2 signatures required. It was felt appropriate that the level be raised to ensure a petition indicated genuine local support for an issue without being unduly difficult to achieve, and after considering details of common levels of other Local Authorities for petitions, determined that a limit of 25 signatures was suitable for a petition to be accepted at full council, with 10 signatures for a petition to be accepted at an area board.

The Focus Group then discussed appropriate thresholds for a petition to trigger a debate at Full council or an area board. It was agreed that 2.5% of the entire county population to trigger a debate at full council, 11,500 signatures, was inappropriately high and very unlikely to ever be achievable. The Focus Group discussed levels set by other local authorities, and considered that a level of 1% of the population, approximately 4700 signatures, was a reasonable threshold

With regards to triggering a discussion at an area board, the Focus Group debated whether the current threshold of 2.5% of the population of a community area would remain appropriate, with the view that it would be easier for people to engage a local population to sign a petition than a county wide issue, but concluded that it would be appropriate for the percentage threshold to be the same as that for full council, and therefore to set the threshold at 1% of the population of a community area. It was clarified that in both cases the levels would be a percentage of total population, and not merely a percentage of those able to sign a petition, as the changeable nature of such a figure would make setting a clear level difficult.

The Focus Group also recommended that the option to ensure that an officer attend to give evidence at a scrutiny committee should be removed from the list of threshold actions, stating that with the lowered thresholds to trigger a debate, which was much more likely to be a goal of any petitioner, as well as the many other avenues for the public through their councillors to require an officer to attend a specific meeting to give evidence, such an option was unnecessary.

With regards to the eligibility of those signing a petition, the Focus Group considered whether there should be an age limit to those able to sign a petition, ranging from secondary school age through to adulthood. After discussion it was felt that 13 years old was a suitable cut off level, being a nationally recognized point for calculating 'young people' as opposed to children, and with young people of that age beginning to take decisions in relation to their education and lives beyond merely following parental direction.

The Focus Group also discussed how to limit petitions by geography, accepting that those who live, work or study in Wiltshire should automatically be considered eligible to sign a petition on Wiltshire issues, but requested clarity on how those who used Wiltshire council services but without meeting any of the other criteria should be accepted, to avoid signatories with no direct connection to a specific service or any other eligibility criteria from boosting the numbers of petition unreasonably.

On discussion of e-petitions, the Focus Group agreed that external petition sites could be used acceptably, so long as they met necessary validation requirements which would be listed in the petitions scheme along with currently approved e-petition site providers.

At the conclusion of debate, it was,

Resolved:

To recommend to the Standards Committee that a petitions scheme be approved which included the following points:

- 1) A threshold of 25 signatures for a petition to be noted at full council and 10 signatures at an area board.**
- 2) A threshold of 1% of the population of the county (approximately 4700) be required to trigger a debate at full council, and a threshold of 1% of a community area population (ranging from 141-455 based on the most recent population estimates) to trigger a debate at an area board.**
- 3) Those eligible to sign a petition to include those who live, work or study in Wiltshire from the age of 13 upwards and also those not included in the above criteria, but with a direct link to a council service which is the subject of a petition.**
- 4) The petition scheme to be updated to list the criteria required for external e-petition sites to be accepted for submitting a petition in addition to the council's own e-petition site.**

14 Proposed Changes to Part 2 of the Constitution

The Deputy Monitoring Officer presented a report on proposed alterations to Part 2 of the Constitution, as a result of changes in legislation and committee and management structures at the council, as detailed in the agenda papers. The changes were to be made to the constitution under the delegated authority granted under Article 15.3 of Part 2 of the Constitution permitting the Monitoring Officer to amend the constitution to reflect decisions of Full Council, changes in the law, and to correct errors or clarify ambiguities where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the constitution.

The Focus Group discussed the amended committee structure and requested clarity on the position of area boards as Committees of the Council which exercised delegated Executive authority rather than being Executive committees. Further changes were requested to reflect the technical definition of Area Boards as Area Committees in a simpler fashion, and to remove

reference to specific officer names except where it was necessary to distinguish between individual Corporate Directors.

At the conclusion of debate, it was,

Resolved:

That subject to the changes discussed above, to note the intention to amend the Constitution as detailed.

15 **Review of Sections A, B and C of Part 3 of the Constitution**

The Deputy Monitoring Officer presented a report detailing proposed changes to Sections A, B and C of Part 3 of the Constitution, including amendments required as a result of legislative updates, details of the Police and Crime Panel and Health and Wellbeing Board, definitions and principles sections to make the Constitution simpler to navigate and other changes designed to clarify existing points.

The Focus Group went through the proposed changes, and made points including but not limited to the following:

There was concern from some members about a lack of Member challenge regarding an officer decision over which planning committee an application was determined by, and further clarity was requested before a recommendation could be made.

There was discussion about structure and membership of the Health and Wellbeing Board. It was agreed the details to be included in the Constitution were an accurate reflection of the decision of Council, but some members requested it be noted that this did not mean all the Focus Group agreed that the existing structure was appropriate, as they had not agreed when the decision was made by Council.

A correction was made to the proposed changes to election of chairman and vice-chairman of Area Boards in an election year, specifying that in an election year each Area Board would hold a special meeting on the rising of the first council meeting in order to elect a Chairman and Vice-Chairman.

At the conclusion of discussion, it was,

Resolved:

That subject to further amendments and clarity as detailed above, to recommend to the Standards Committee that Sections A,B and C of Part 3 of the Constitution be amended as detailed in the report.

16 **Forward Plan and Date of Next Meeting**

The Focus Group noted the Forward Plan and the intention to assess the remaining sections of Part 3 of the Constitution at a meeting on 15 April 2014.

17 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 3.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 15 APRIL 2014 AT RUDMAN ROOM, 1ST FLOOR, COUNTY HALL, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Jon Hubbard, Cllr Julian Johnson, Cllr Helen Osborn, Cllr Jeff Osborn and Cllr Stuart Wheeler (Chairman)

18 Apologies

Apologies were received from Miss Pam Turner and Mr Paul Neale.

19 Minutes of the Previous Meeting

The minutes of the meeting held on 19 March 2014 were presented for consideration, and it was,

Resolved:

To approve as a true and correct record and sign the minutes.

20 Review of Part 3 of the Constitution: Responsibility for Functions and Scheme of Delegation

The Monitoring Officer presented a revised Parts 3A, 3B and 3C of the Constitution following the comments of the Focus Group at its meeting on 19 March 2014, and the addition of Part 3D as detailed in the report. It was stated that some extra principles had been added for additional clarity, and drew attention to the revised wording on sub-delegation of officer decisions, noting that the revisions were a reflection of current practice on financial controls and not major alterations.

In response to queries, it was confirmed that an officer decision such as the Associate Director for Economic Development and Planning Services, in accordance with the criteria in the Constitution, deciding which Planning Committee would determine a particular application, could be called in by a member to a Scrutiny Committee, as it was an administrative decision only. There was discussion of how members would be made aware when such a decision had been made in order to allow them to call a decision in within the appropriate timescales, such as adding a column to the list of planning applications received that all members receive, detailing which Committee the application would be determined by if called in.

Members also sought clarification on the publication of executive decisions which contained confidential or exempt information, and that this should be laid out in the Constitution.

At the conclusion of debate, it was,

Resolved:

That further revisions be made to Part 3 of the Constitution as detailed by members, to be considered at the next meeting of the Focus Group.

21 **Review of Part 9 of the Constitution: Financial Regulations and Procedure Rules**

The Senior Principal Accountant presented a report on proposed changes to Part 9 of the Constitution. As detailed in the report, the current Parts 9 and 10 would be merged, with updates to remove duplication of information contained elsewhere in the Constitution, to take account of the Council's revised management structure and financial practices, and changes in legislation. It was stated that a further review of Part 9 would take place in late 2014 with a view to reducing the complexity and detail within the Constitution itself by producing a guidance document.

The Focus Group discussed the proposed revisions, including how to enforce provisions on abiding by the highest standards of probity when dealing with financial issues, and corrections were made to proposed paragraphs 187 and 188 on methods of payment from the council.

At the conclusion of discussion, it was,

Resolved:

That subject to additional revisions as raised above, to recommend to the Standards Committee that Council adopt the proposed changes to the Constitution as detailed in the agenda.

22 **Review of Part 4 of the Constitution: Petitions Scheme**

The Focus Group considered the proposed changes to Part 4 of the Constitution in relation to the Petitions Scheme following the recommendations made at the meeting on 19 March.

The Focus Group suggested minor amendments with regards simplifying the details on e-petitions, and that the Council's IT Service should adjust the Council's petition submission system to permit users to embed their council submitted petition on their own sites.

Resolved:

That subject to the additions raised above, to recommend to the Standards Committee that Council adopt the proposed changes to the Constitution as detailed in the agenda.

23 **Councillors Briefing**

The Focus Group discussed whether, in light of which constitutional amendments would proceed to Council for approval on 13 May subject to the views of the Standards Committee at its meeting on 25 May, as decided previously in the meeting, if a briefing for Councillors on the changes ahead of the Council meeting would be appropriate.

Resolved:

For a briefing for all councillors on the proposed Constitutional changes be arranged for 6 May 2014.

24 **Part 17: Management Structure Diagram**

The Focus Group considered the latest update to the Council's Management Structure diagram, and whether it was necessary to continue to include it within the Council's constitution.

Resolved:

To retain Part 17 of the Constitution, with the Monitoring Officer able to make consequential changes as required to reflect the latest decisions by Council regarding the Management Structure of the Council as permitted under Article 15.3 of Part 2 of the Constitution.

25 **Part 12A - Corporate Parenting Panel and Safeguarding Children and Young People Panel**

The Focus Group considered the proposed inclusion of the terms of reference of the Safeguarding Children and Young People Panel, and amending the membership numbers of the Corporate Parenting Panel as had been agreed by Cabinet as part of the adoption of the new Panel. It was requested the specification of the Panels as being politically balance be harmonized.

Resolved:

To recommend to the Standards Committee that Council adopt the changes to Part 12A of the Constitution as detailed in the agenda.

26 **Forward Work Plan and Date of Next Meeting**

The Focus Group considered the draft Forward Plan, and requested that an additional meeting be scheduled for late May. Several amendments to the draft plan were suggested, with the revised plan attached to these minutes.

27 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.40 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic & Members' Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council Petitions Scheme

Petitions

The council welcomes all petitions from anyone over the age of 13 and who lives, works, or studies in Wiltshire or who uses has a direct connection to the services provided by the council, which is the subject of the petition and contains at least 10 signatures. The council recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt.

This acknowledgement will set out what the council plan to do with the petition. The council will treat something as a petition if it is identified as such, or if it seems that it is intended to be a petition.

Paper petitions can be sent to

Wendy Packer, xxxx
Democratic Services,
Wiltshire Council,
County Hall,
Bythesea Road,
Trowbridge,
BA14 8JN

Wiltshire Council welcomes petitions submitted electronically. To aid this process we have developed an e-Petitions facility which is available at <http://cms.wiltshire.gov.uk/mgEPetitionListDisplay.aspx> or by following a link from the [Petitions Homepage](#). This facility allows e-Petitions to be created, signed and submitted online by registering with the council, using a valid email address. Electronic petitions hosted via other websites can be sent to committee@wiltshire.gov.uk for consideration by Democratic Services.

For a petition to be noted at a meeting of an area board, it requires a minimum of 10 signatures or for a petition to be noted at full council it requires a minimum of 25 signatures. If your petition has received been signed by a number equivalent to at least 1% of the population of Wiltshire 41,500 signatures or more it will also be scheduled for a council debate (more information is contained in the section below on **How will the council respond to petitions?**) and, if this is the case the council will let you know the date of the meeting of the council when it will be heard. These meetings take place at least four times a year, dates and times can be found [here](#). If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact [Wendy Packer Democratic Services](#) on 01225 713018-[718255/718220](#) or committee@wiltshire.gov.uk, at least 10 working days before the meeting and she-an officer will talk you through the process.

Alternatively if your petition does not have sufficient signatures to trigger a debate at full council you may wish for your petition to be referred to the appropriate decision maker, which could be the council's cabinet or appropriate cabinet member, to discuss what other options are available or referring the petition to a select committee. Please Again if you contact [Wendy Packer Democratic Services](#) and she-they will talk you through your options.

Or if your issue is a local one and falls within the remit and powers of the area boards you may wish to

present your petition at an [Area Board](#). See [Part 3 - Section 4.17](#) of the Wiltshire Council Constitution, for more information on the remit and powers of area boards. The council has set a nominal threshold of [12.5%](#) of the population of the area covered by the area board to trigger a formal debate at a board. However any petition received for an area board will be discussed with the appropriate chairman and the appropriate action taken. A map showing [Area Boards Petition Thresholds](#) is available [at Part 4B of the Constitution](#).

~~As another alternative your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. If your petition contains at least 5,750 signatures, the relevant senior officer will give evidence at a public meeting of one of the council's select Committees*.~~

~~(*The council's select committees perform the overview and scrutiny function within the council where councillors are responsible for scrutinising the work of the council—in other words, the select committee has the power to hold the council's decision makers to account.)~~

So no matter what size your petition is you will be kept informed of how the council proposes to deal with it and the action to be taken. The council remains convinced of the need for local discretion and flexibility in the way petitions are managed. Petitions that trigger the thresholds will of course be referred to council, ~~to one of the council's select committees~~ or to an area board.

There will however be local discretion and flexibility in dealing with any other petitions. Discussions will take place with the relevant cabinet member or the appropriate area board chairman to determine the most appropriate way of dealing with the petition. The options may include referring the matter to the cabinet or the appropriate area board, or any of those options listed in the section below on **How will the council respond to petitions?**

What are the Guidelines for Submitting a Petition?

Petitions submitted to the council must include:

- ~~•~~ ~~at least two signatures~~
- ~~•~~ a clear and concise statement covering the subject of the petition. It should state what action the ~~pe~~ petitioners wish the council to take; and
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person the council will contact to explain how they will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, the council will contact the first named signatory to the petition to agree who should act as the petition organiser.

[For further information see the What information should my Petition contain? and What is not suitable for a Petition? Information pages on the Wiltshire Council website.](#)

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the council may need to deal with your petition differently – if this is the case the council will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, they will write to you to explain the reasons.

What will the Council do when it receives my Petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the council plan to do with the petition and when they can expect to hear from them again. It will also be published on our website.

If the council can do what your petition asks for, the acknowledgement may confirm that the council has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a ~~council~~ debate, ~~or a senior officer giving evidence~~, then it will be referred to a meeting of the council or an area board and, cabinet or other body the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition is dealt with in a different way or ~~if~~ the petition needs more investigation, the council will tell you the steps they plan to take.

If the petition applies to a [planning](#) or [licensing](#) application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as [council tax banding](#) and [non-domestic rates](#), other procedures apply. Further information on all these procedures and how you can express your views is available through the links above and the [Wiltshire council website](#).

~~The council will not take action on any petition which they consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.~~

To ensure that people know what the council are doing in response to the petitions received, the details of all the petitions submitted will be published on the council's website, except in cases where this would be inappropriate. Whenever possible the council will also publish all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. The council will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can change what information you receive, and keep in touch with the progress of a petition at any time by contacting Democratic Services on 01225 ~~743048~~[718255/718220](tel:01225718255), or committee@wiltshire.gov.uk.

How will the Council respond to Petitions?

~~The council may deal with a petition as it sees fit. The council's proper officer (xxxx) in consultation with the appropriate chairman or cabinet member will determine whether the petition should be referred for discussion to the cabinet, council or, if your issue is a local one, the appropriate area board.~~ The council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by one of the council's select committees*
- calling a referendum
- writing to the petition organiser setting out the council's views about the request in the petition

(*The council's [Select Committees](#) perform the overview and scrutiny function within the council where councillors are responsible for scrutinising the work of the council – in other words, the select committee has the power to hold the council's decision makers to account.)

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) the council will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. See the [Wiltshire Family of Partnerships](#) page for more details on our partnership working arrangements.

If the council are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then they will set out the reasons for this by writing to you. If the petition is of a sufficient size to trigger [referred for](#) a debate at a full Council meeting then a representative of the partner organisation will be invited to attend the meeting to assist with the debate.

You can find more information on the services for which the council is responsible through the [Wiltshire Council](#) website. If your petition is about something that a different council is responsible for the council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event the council will always notify you of the action they have taken.

Full Council Debates

~~If [the petition is of a sufficient size to trigger referred for a debate](#) a petition contains more than 11,500 signatures it will be debated by at the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that~~ the issue raised in the petition will be discussed at a meeting which all councillors can attend.

The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. In addition to your petition the council may also consider the views of the cabinet or cabinet member. If you would like you may also have the opportunity to answer questions or clarify issues for the councillors.

The council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the council's cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the council's website. Alternatively and if timing permits the petition may be referred to the cabinet for its views so that at the council meeting the views can be considered alongside the petition and a final decision made.

Officer Evidence

~~Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to~~

~~make a particular decision.~~

~~If your petition contains at least 5,750 signatures, your request is agreed the relevant senior officer will give evidence at a public meeting of one of the council's select committees*. A list of the senior staff that can be called to give evidence can be found at the [Chief Officers](#) page.~~

~~You should be aware that the committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition — for instance if the named officer has changed jobs. The committee may also decide to call the relevant cabinet member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Wendy Packer [xxx Democratic Services](#) on 01225 713018 up to three working days before the meeting.~~

~~(*The council's select committees perform the overview and scrutiny function within the council where councillors are responsible for scrutinising the work of the council — in other words, the select committee has the power to hold the council's decision makers to account.)~~

e-Petitions

Wiltshire Council welcomes petitions submitted electronically. To aid this process we have developed an e-Petitions facility which is available at <http://cms.wiltshire.gov.uk/mgEPetitionListDisplay.aspx> or by following a link from the [Petitions Homepage](#). This facility allows e-Petitions to be created, signed and submitted online by registering with the council, using a valid email address. [Acceptance of Electronic petitions hosted via other websites is subject to the website being approved by Democratic Services. can be sent to \[committee@wiltshire.gov.uk\]\(mailto:committee@wiltshire.gov.uk\) for consideration by Democratic Services.](#)

e-Petitions are subject to the same guidelines as paper petitions. [For further information see the What information should my Petition contain? and What is not suitable for a Petition? Information pages on the Wiltshire Council website.](#)

The petition organiser will need to provide the council with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because the council has to check that the content of your petition is suitable before it is made available for signature. If the council feels they cannot publish your petition for some reason, they will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to [Wendy Packer xxx Democratic Services](#). In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the council, please contact [Wendy Packer xxx Democratic Services](#) on 01225 713018 [\[718255/718220\]](#) or committee@wiltshire.gov.uk within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

Petitions submitted electronically but not through the e-petition facility will be dealt with in accordance with the provisions for paper petitions.

How do I 'sign' an e-Petition

You will see all the e-petitions currently available for signature at the e-Petitions page. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel that my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the council's [Select Committees](#) review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

It is important to emphasise here that the review process is concerned with whether the steps taken by the council in response to the petition were adequate – it is not about whether the decision in responding to the petition was correct.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine the council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council's cabinet and arranging for the matter to be considered at a meeting of the full council.

If the select committee feels that it may have a conflict of interest by virtue of any previous involvement in the petition in question, the council can arrange for a differently constituted select committee to deal with your request.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

PART ~~9~~10

FINANCIAL REGULATIONS AND PROCEDURE RULES

AN INTRODUCTION TO THE COUNCIL'S FINANCIAL REGULATIONS AND PROCEDURE RULES

1. The Council's Financial Regulations and Procedure Rules provide the framework for managing its financial affairs, and are an important element of its overall corporate governance arrangements; and they apply to every member and officer of the Council, and to anyone acting on its behalf.

~~2. The Wiltshire Funding Scheme for Schools sets out the governance arrangements applicable to schools, and these financial regulations and procedure rules apply only in instances not incorporated within that guidance.~~

~~3.2. The Financial Regulations and Procedure Rules also provide more specific guidance in respect of the accountabilities and responsibilities of Members of the Cabinet, the Chief Executive Corporate Directors (Chief Executive), the Monitoring Officer (Associate Head of Legal and Democratic Services Director, Legal & Governance), the Section 151 Officer (The Chief Finance Officer) (Section 151 Officer), all other Corporate Directors, and individual officers and anyone acting on behalf of the Council. Service Heads.~~

~~4.3. The Council's Financial Regulations and Procedure Rules should be considered in conjunction with other corporate documents, so that when taken together they form part of the Council's Constitution. These policy documents include, but not limited to:~~

- ~~• Contract procedure rules Procurement and Contract Rules (Part 11).~~
- Schemes of Ddelegation (Part 3).
- The role of the Cabinet.
- The role of Scrutiny Committees.
- Anti-fraud and corruption.
- Anti-money laundering.
- Officer/member codes of conduct.
- The "whistle-blowing" policy.
- Procurement and employment policies.

~~Purpose and status of financial regulations~~

~~5. Financial Regulations set out the financial responsibilities of the Council, the Cabinet, of Scrutiny Committee Members, the Chief Executive (The Head of Paid Service), the Monitoring Officer, the Section 151 Officer and other senior Officers.~~

~~6. The Council's Financial Procedures provide detailed guidance and set out the responsibilities:~~

- ~~• Members~~
- ~~• The Section 151 Officer (The Chief Finance Officer)~~
- ~~• The Monitoring Officer~~
- ~~• Corporate Directors and their staff~~
- ~~• Anyone acting on behalf of the Council~~

~~7.4. This guidance~~ These Financial Regulations and Procedure Rules are regularly updated ~~as are the Councils' Financial Regulations and Procedures rules,~~ and are approved by the Full Council ~~on the recommendation of the Audit Committee.~~

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 Council resources is legal, properly authorised, and provides value for money value.

8.6. All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues, and the Council is responsible for ensuring that all members, employees and anyone working on its behalf understand the rules and that adequate controls are in place to ensure their observance. The Financial Regulations and policies are published on the intranet and regularly reviewed. New members of staff and members will be directed to the Financial Regulations as part of their induction and any new budget managers will receive training applicable to their role. Existing budget managers will receive refresher training, as appropriate.

~~9.7.~~ The Council's ~~Section 151 Officer (The Chief Finance Officer)~~ is responsible for:

~~9.17.1~~ Maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Audit Committee for consideration, and for recommendation to by the Full Council for approval.

~~9.27.2~~ Reporting where appropriate, breaches of Financial Regulations to the Full Council, and/or to the Cabinet and ~~or~~ Audit Committee.

~~9.37.3~~ Issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the Council are required to follow.

~~10. The Council's Financial Regulations are outlined in Section A below, and detailed Financial Procedures, setting out how the Regulations will be implemented, are contained within Section B.~~

~~11.8.~~ The ~~Section 151 Officer (The~~ Chief Finance Officer) and the Corporate Directors are responsible for ensuring that all staff in their departments service areas are aware of, and have access to the content of the Council's Financial Regulations and Procedure Rules and any other relevant internal regulatory documents that form part of the Council's governance arrangements, and that they fully comply with them.

9. It may be considered a disciplinary offence if any officer fails to comply with these Financial Regulations and Procedure Rules, and employees have a duty to report apparent breaches of Financial Regulation this Part 9 to an appropriate senior manager Director who then will report to and/or consult with the Head of Internal Audit, to determine what further action, if any, should be taken where appropriate.

10. There are a number of bodies linked to the Council through funding, or through management arrangements, and such bodies are required to adopt these procedures, or as a minimum, adopt similar arrangements that have been agreed by the Chief Finance Officer.

11. Where an individual is acting as an agent of the Council, but is not an Officer of the Council, they will be required to adhere to these Financial Regulations and Procedure Rules as if they were an officer.

12. The Council's Financial Regulations are outlined in Section A below, and detailed Financial Procedures are contained within Section B. Section A sets out the principles whilst Section B provides further details, the key controls and the responsibilities of officers and members in the procedures section.

13. The Wiltshire Funding Scheme for Schools sets out the governance arrangements applicable to schools, and these financial regulations and procedure rules apply only in instances not incorporated within that guidance.

SECTION A - FINANCIAL REGULATIONS

FINANCIAL MANAGEMENT

Introduction

- ~~1. This section 1. Financial management~~ covers all financial accountabilities in relation to the running of the Council, including the policy framework and the budget.

~~The Full Council~~

~~In addition to the areas of responsibility set out in Part 2 of the Constitution 2. Full~~The Council is responsible for approving the policy framework as expressed in various plans, strategies and documents. ~~Full~~ Council is also responsible for:

- ~~2. 2.1 Approving the budget and setting the council tax.~~

~~The Full Council shall provide the Section 151 Officer (Chief Finance Officer) with sufficient staff, accommodation and other resources, including legal advice where this is necessary to carry out the duties under Section 114 of the Local Government Finance Act 1988 (above).~~

~~2.2 Approving and amending the constitution~~

~~2.3 Appointing and removing the leader from office~~

~~2.4 Agreeing/amending Terms of Reference for committees~~

~~2.5 Adopting members' allowances scheme~~

~~2.6 Confirming the appointment of Head of Paid Service~~

~~2.7 Appointing the returning officer and electoral registration officer~~

~~2.8 Submitting proposals to the Secretary of State~~

~~2.9 Bylaws~~

~~2.10 Agreeing councils meetings~~

- ~~3. Full details of the functions of the Council and matters specifically reserved for Council can be found in section 1 of Part 3 of the Constitution.~~

The Cabinet

- ~~4. In addition to the areas of responsibility set out in Part 2 of the Constitution the Cabinet is responsible for carrying proposing out the a council's policy and budget framework to Full Council for consideration and approval and matters specifically reserved to the executive. Full details of the functions of Cabinet can be found in section 3 of Part 3 of the Constitution.~~
- ~~2.~~
- ~~3. Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet Member, an officer or a joint committee.~~
- ~~4.~~
- ~~5. Legislation in respect of Cabinet arrangements requires the Leader of the Council to prepare a forward plan containing details of all matters likely to be the subject of Council key decisions for a period of four months, and the plan must be updated on a monthly basis.~~
- ~~6.~~
- ~~7. A financial threshold of £500,000 has been set for key decisions on the basis that this does not include operational expenditure by Corporate Directors that is within the approved budget and the policy framework.~~
- ~~3.~~

Chief Finance Officer Scrutiny Select Committees

General

~~Scrutiny Select Committees are responsible for reviewing Cabinet decisions before or after they have been implemented, and for holding the Cabinet to account for its actions.~~

~~Scrutiny Select Committees are also responsible for making recommendations on future policy options, and for reviewing general policy and standards of service delivery maintained or planned by the Council.~~

~~Details of the functions of the Scrutiny Select Committees can be found in section 6 of Part 2 of the Constitution.~~

Standards Committee

~~11. The Standards Committee is responsible for promoting and maintaining high standards of conduct amongst elected and co-opted members of the Council and is responsible for advising the Council on the adoption and revision of the Members' code of conduct, and for monitoring and investigating any suspected breaches of the code. Full details of the functions of the Standards Committee can be found in section 2.5 of Part 3 of the Constitution.~~

Planning Development Control, Regulatory and other Committees

~~12.— Planning, conservation and licensing are not Cabinet functions and are exercised through politically balanced committees under powers delegated by the Council. Full details of the functions of the Strategic Planning Committee, Area Planning Committees and the Licensing Committee can be found at section 2 of Part 3 of the Constitution.~~

Joint Committees

~~13.—The Council may also establish joint arrangements with other public bodies. Details of Joint Arrangements can be found in Article 12 of Part 2 of the Constitution.~~

Audit Committee

~~14.—The Audit Committee provides an essential element of good governance of the council. Full details of the functions of the Audit Committee can be found in section 2.8 of Part 3 of the Constitution.~~

The Statutory Officers

The Chief Executive (The Chief Executive)

~~The Chief Executive is responsible for the corporate and strategic management of the Council as a whole, and must report to, and provide information for the Cabinet, the Council, and all its committees.~~

~~The Chief Executive is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.~~

The Monitoring Officer

~~17.—The Monitoring Officer has a range of functions as detailed in Article 13.3 of Part 2 of the Constitution which are summarised as follows:~~

~~Maintaining the Constitution~~

~~Ensuring lawfulness and fairness of decision making~~

~~Supporting the Standards Committee~~

~~Receiving reports and act on reports by Ethical Standards Officers and decisions of the case tribunals~~

~~Conducting investigations~~

~~Proper officer for access to information~~

~~Advising whether Cabinet decisions are within the Budget and Policy Framework~~

~~Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the Council.~~

~~Act as Corporate Complaints Officer and advise Chief Officers~~

~~The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.~~

~~Section 151 Officer (Chief Finance Officer)~~

~~8.4.~~ ~~18.~~—The ~~Section 151 Officer~~Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden and 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.
- The Local Government Act 2003.

5. The Section 151 Officer is ~~also~~ referred to as the Chief Finance Officer throughout the Council's financial procedure rules, and is responsible for:

~~5.1~~ ~~E~~

~~5.2~~

5.1 ~~E~~nsuring lawfulness and financial prudence of decision making

-

5.2 ~~After consulting the Head of Paid Service and the Monitoring Officer, reporting to Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully~~

~~5.3~~ ~~The Chief Finance Officer will have responsibility for T~~the administration of the financial affairs of the C~~council including:~~

5.3

~~After consulting the head of the paid service and the monitoring officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.~~

~~Administration of financial affairs~~

~~The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council including:~~

- the proper administration of the authority's financial affairs, including the Wiltshire Pension Fund and trust funds vested in the council;
- 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
- the maintenance of an adequate and effective internal audit
- Treasury management.

5.4 ~~23.~~ In accordance with Section 114 of the Local Government Finance Act 1988 ~~requires the Chief Finance Officer to report~~ing to the Full Council, Cabinet 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.

~~5.5~~ ~~24.~~ CContributing to corporate management

~~5.5~~ ~~The Chief Finance Officer will contribute~~ to the corporate management of the Council, in particular through the provision of professional financial advice.

~~5.6~~ ~~25.~~ PProviding advice

~~5.6~~ ~~The Chief Finance Officer will provide~~ advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the council and will support and advise members of the council and officers in their respective roles in respect of financial matters.

~~5.7 Providing~~ provide financial information to the media, members of the public and the community.

~~5.7 In accordance with~~

~~5.8 Section 113 of the Local Government Finance Act 1988 requires that the officer responsible for~~ ensuring proper administration of an authority's financial affairs under section 151 of the Local Government Act 1972, should be a member of one or more of the six CCAB bodies, or another body of accountants established in the UK and approved by the Secretary of State.

~~5.8 In accordance with~~ Section 114 of the Local Government Finance Act 1988 ~~of the 1988 Act also requires:~~

~~5.9~~

~~5.9 The Section 151 Officer (Chief Finance Officer) to~~ nominatinge a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

~~5.10 To ensure the proper administration of the financial affairs of the Council.~~

~~5.115.10 To~~ Setting the financial management standards and to monitor compliance with them.

~~5.125.11 To~~ ensuring proper professional practices are adhered to, and to act as head of profession in relation to standards, performance and development of finance staff throughout the Council.

~~5.135.12 To~~ advising on the key strategic controls necessary to secure sound financial management throughout the Council.

~~5.145.13 To~~ ensuring that financial information is available to the Corporate Leadership Team and Cabinet to ensure the effective management of the Council's approved budget.

~~5.155.14 To~~ ensureing that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Corporate Directors

6 Corporate Directors are responsible for:

- 6.1 ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer.
- 6.2 consulting with the Chief Finance Officer and seeking approval on any matter liable to affect the Council's finances materially, before any commitments are made.
- 6.3 To promote and ensure strict adherence by all staff in their departments area of responsibility to the financial management standards and practices set by the Chief Finance Officer.

Other Financial Accountabilities

Virement

~~30. Decisions of Cabinet, or of a Cabinet sub-committee, of an individual Cabinet member, an Officer, an area committee or through joint arrangements discharging Cabinet functions to implement Council policy, must not exceed the budget allocated to each service area. However, virement can be made across services or divisions of service providing it is made within accordance with Financial Procedure Rules as set out below. Year end balances may be carried forward in accordance with the Council's Financial Procedure Rules as set out below.~~ **FINANCIAL PLANNING**

~~32. The Cabinet is responsible for proposing a policy and budget framework to the Council for consideration and approval.~~

Policy and Budget Framework

7. The Cabinet is responsible for proposing a policy and budget framework to Full Council for consideration and approval

8. The Policy and Budget Framework comprises a number of statutory plans and strategies which are detailed within the ~~Councils'~~ Constitution.

9. Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy and Budget Framework framework, and for determining the circumstances in which a decision will be deemed to be contrary to the ~~budget or policy~~ Policy and Budget Framework. Full Council is also responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another.

~~7.~~

~~8.~~

~~9-10.~~ The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the ~~budget policy~~Policy and Budget Framework framework within the financial limits set by ~~the~~Full Council.

Budgeting

Budget format

~~10-11.~~ 11. The format of the budget will be approved by ~~the~~Full Council following proposal by the Cabinet, and on the advice of the Chief Finance Officer.

~~10-12.~~ The draft budget should include budgetary allocations to different services and projects ~~and~~, proposed taxation levels, ~~and detail contingency funds.~~

Budget preparation

General

~~11-13.~~ 13. The Chief Finance Officer is responsible for ensuring that a ~~three~~four-yearly Medium Term Financial Strategy (MTFS) which incorporates capital and revenue budgets for each Portfolio of services is prepared on an annual basis alongside a detailed capital and revenue budget for the forthcoming financial year, and that it is recommended for approval by ~~the~~Full Council.

~~12-14.~~ 14. Full Council may amend the overall budget or ask the Cabinet to reconsider it before approving it.

~~13-15.~~ 15. The Cabinet 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 ~~Full~~the Council.

16. It is the responsibility of Corporate Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet, and that these estimates are prepared in accordance with any guidance that has been issued by the Cabinet.

~~14-15.~~ 14. W

~~15.~~ 15. —

Budget calculations – report on robustness of estimates and adequacy of reserves

~~16-17.~~ ~~42.~~—When calculating the net budget requirement the ~~Section 151~~Chief Finance Officer must report to the Cabinet and/or ~~the Full~~ Council on:

- The robustness of the estimates used for council tax calculations.
- The adequacy of the proposed levels of financial reserves.

Budget monitoring and control

~~17-18.~~ The Chief Finance Officer is responsible for providing accurate and timely financial information to enable budgets to be monitored effectively.

~~18-19.~~ The Chief Finance Officer must monitor and control expenditure against budget allocations, and report to the Cabinet in regards to the Council's overall financial position on a regular basis.

~~19-20.~~ It is the responsibility of ~~Corporate~~the Directors to control income and expenditure within their area of responsibility, and to monitor service performance, taking account of financial information provided by the Chief Finance Officer.

~~20-21.~~ ~~Corporate~~The Directors should report on variances within their own areas of responsibility, and they must also take any reasonable action necessary to avoid exceeding their budget allocation, and should alert the Chief Finance Officer to any potential budgetary problems.

Resource allocation

~~21-22.~~ ~~47.~~—The Chief Finance Officer is responsible for developing and maintaining a robust resource allocation process that ensures due consideration of the Council's ~~P~~policy and Budget Framework is ~~made~~given during the development of the budget.

Budget guidelines

23. Guidelines on budget preparation are issued to Members and Directors by the Cabinet following agreement with ~~the Section 151~~the Chief Finance Officer.

24. The guidelines will take account of:

- 24.1 current and new legislative requirements
- 24.2 medium-term planning prospects
- 24.3 Council priorities and policies
- 24.4 the corporate plan

- 24.5 available resources
- 24.6 spending pressures
- 24.7 changes to demand and demographic factors
- 24.8 relevant government guidelines
- 24.9 other internal policy documents
- 24.10 cross-cutting issues (where relevant)

RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

25. ~~50.~~ It is essential that robust and fully integrated systems are developed and maintained, which enable the identification of all significant operational risks to the Council, and these systems should include the proactive participation of all those associated with planning and delivering services.

Risk Management

26. The Cabinet is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
27. The Cabinet is also responsible for ensuring that proper insurance exists wherever appropriate, on the advice of the [Chief Finance Officer/Associate Director, People and Business Services](#).
28. The [Service Director—Performance/Associate Director, Corporate Function and Procurement](#) is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.

Internal Control

29. Internal control refers to the systems of control maintained by the Council to ensure that its objectives are achieved and that it promotes the economical, efficient and effective use of resources, and that ensures that the use of the Council's assets and interests are properly safeguarded.
30. The ~~Section 151~~ [Chief Finance](#) Officer is responsible for advising upon, and promoting effective systems of internal control, and such arrangements need to ensure the Council's full compliance with all legislative requirements, and other relevant statements of best practice.
31. Internal controls should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with all provisions that govern their use.

32. ~~Corporate-The~~ Directors are responsible for the establishment of sound arrangements for planning, appraising, authorising and controlling their operations. They are also responsible for achieving continuous improvement, economy, efficiency and effectiveness; and for meeting their financial performance targets.

Audit Requirements

33. ~~The The Accounts and Audit Regulations 2003 issued require every local authority to~~ Council is required to maintain an adequate and effective internal audit function in accordance with any relevant legislation.

~~33. The Audit Commission is responsible for the appointment of external auditors to each local authority, and the basic duties of the external audit are governed by the Audit Commission Act 1998.~~

34. ~~TheThe~~ Council may also be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.

Preventing Fraud and Corruption

35. ~~61.~~The Chief Finance Officer is responsible for the development and maintenance of an aAnti-~~f~~Fraud and cCorruption policy.

Assets

36. ~~62. Corporate-The~~ Directors should ensure that assets are properly maintained, recorded and securely held, and that contingency plans for the security of assets, and for the continuity of services in the event of disaster or system failure are in place and regularly reviewed.

Treasury Management

37. ~~63.~~The Council has adopted the requirements of CIPFA's *Code of Practice for Treasury Management in the Public Services (2002)*, as described in section 4 of that Code, and will maintain effective treasury management through:

- A treasury management policy statement which outlines the policies and objectives of the Council's treasury management activities.
- And suitable treasury management practices setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

38. ~~The Full~~ Council will receive quarterly reports on its treasury management activities, and an updated annual strategy and plan in advance of the year; and it will also receive an annual report in the form prescribed in its Treasury Management Strategy.
39. ~~Full~~The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the ~~Section 151~~Chief Finance Officer in accordance with the responsibilities set out under section 151 of the Local Government Act 1972.
40. The ~~Section 151~~Chief Finance Officer will act in accordance with the Council's policy statement and Treasury Management Strategy, and CIPFA's Code of Practice for Treasury Management in Local Authorities.
41. The ~~Section 151~~Chief Finance Officer is responsible for submitting a report to the Cabinet, for approval which proposes a treasury management strategy for the coming financial year.
42. All decisions on borrowing, investment or financing shall be delegated to the ~~Section 151~~Chief Finance Officer, who is required to act in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities.
43. The Chief Finance Officer is responsible for reporting to the Cabinet at least quarterly 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.

The Prudential Code

44. Interlinked with the CIPFA Code of Practice for Treasury Management is the Prudential Code for Capital Finance in Local Authorities, and the Council is required by regulation to have regard to the code when carrying out its duties under part 1 of the Local Government Act 2003.
45. The Prudential Code sets out a clear governance procedure for the setting and revising of prudential indicators and these must be approved by ~~Full~~ Council.
46. The ~~Section 151~~Chief Finance Officer will be responsible for ensuring that all matters required to be taken into account are reported to the Council for consideration, and for establishing procedures to monitor performance.

47. In setting or revising their prudential indicators, ~~the Full~~ Council is required to have regard to the following matters:

- affordability, e.g. implications for ~~c~~Council ~~t~~Tax;
- prudence and sustainability, e.g. implications for external borrowing;
- value for money;
- stewardship of assets, e.g. asset management planning;
- service objectives, e.g. strategic planning;
- ~~p~~Practicality, e.g. achievability of the forward plan.

Pension Fund

48. The Council is the Administering Authority for the Local Government Pension Scheme and exercises this responsibility through the Pensions Committee.

49. The ~~Section 151~~Chief Finance Officer is authorised to decide matters relating to Pensions Fund Investments based on a scheme of delegation agreed by the Pensions Committee.

Staffing

~~Council is responsible for determining how officer support for Cabinet and non-Cabinet roles within the Council will be organised.~~

50. The ~~Chief Executive~~Head of Paid Service is responsible for providing overall management to staff, and is also responsible for ensuring that there is proper use of the evaluation process, or other agreed systems for determining the remuneration of a job.

~~50-51. Staffing represents a significant proportion of the Council's budget, and exercising proper control over the staffing establishment is a key element of financial control. Full Council is responsible for determining how officer support for Cabinet and non-Cabinet roles within the Council will be organised. [delete]~~

~~51-52. Corporate~~The Directors are responsible for controlling total staff numbers by:

- Advising the Cabinet on the budget requirement each year to cover estimated staffing levels;
- Managing staffing levels within the approved budget.
- Adjusting the staffing to a level that can be funded within approved budget provision, whilst ensuring changing operational needs are met.

~~52-80. Corporate~~ [delete]The Directors are also responsible for:

~~53.~~

~~54. The proper use of appointment procedures;~~

~~55.~~

~~56. Conforming to the requirements of the Council's Equalities Strategy and Equal Opportunities Policy.~~

~~57-53.~~

FINANCIAL SYSTEMS AND PROCEDURES

Introduction

~~58-54.~~ Sound systems and procedures are essential to ensure an effective framework of accountability and control.

~~59-55.~~ The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of its accounts and all supporting financial records.

~~60-56.~~ Any changes ~~made by Corporate Directors~~ to the existing financial systems must be approved by the Chief Finance Officer, and any proposals for new financial systems must be also approved by the Chief Finance Officer.

~~61-57.~~ ~~Corporate~~~~The~~ Directors are responsible for the operation of financial processes in their own ~~departments~~service areas, although any proposed changes to approved procedures that they may determine necessary to meet their own specific service needs must be agreed with the Chief Finance Officer.

~~62-58.~~ ~~Corporate~~~~The~~ Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

~~63-59.~~ ~~Corporate~~~~The~~ ~~Directors must ensure that, where appropriate,~~ ~~computer and other systems are registered in accordance with data protection legislation, and that their staff are aware of their responsibilities under data protection and freedom of information legislation.~~~~[delete]~~

Income and Expenditure

~~64-60.~~ ~~Corporate~~~~The~~ Directors are responsible for ensuring that any scheme of delegation or scheme of sub delegation in their service area has been established within their service area established in accordance with Part 3 Section D. Directors may decide that any sub delegations they grant to officers within their team under their scheme of sub delegation may be subject to financial limitations. Whilst a Director may wish to consider using the signing and authorisation limits set for various officers under the Council's Budget and Policy Framework they are not limited in this regard. The signing and authorisation limits set under the Budget and Policy Framework are financial management controls. A Director can sub

~~delegate up to the maximum limits of the Directors own powers, and that it is operated effectively and in accordance with the financial limits, the Financial Management System and any corporate guidelines determined by the Chief Finance Officer.~~

~~65-61.~~ The schemes ~~s_of_delegation~~ should identify staff authorised to act on the ~~Corporate~~ Director's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority.

~~66-62.~~ The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control as detailed in the Council's Corporate Debt Recovery Policy.

Payments to Employees and Members

~~67-63.~~ The ~~Service Director – Shared Services and Customer Support~~ Associate Director, People and Business Services is responsible for all payments of salaries and wages to staff, including payments for overtime, and for payment of allowances to Members.

Taxation

~~68-64.~~ The Chief Finance Officer is responsible for advising ~~Corporate the~~ Directors in regards to all taxation issues that affect the Council.

~~69-65.~~ The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

~~70-66.~~ The Chief Finance Officer is responsible for issuing advice in respect of the operation of trading accounts and business units.

EXTERNAL ARRANGEMENTS

Introduction

~~71-67.~~ ~~The Wiltshire~~ Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders, and promotes improvements to the economic, social and environmental well being of Wiltshire.

Partnerships

~~72.~~ ~~The Cabinet is responsible for approving delegations, including frameworks for partnerships, and is the focus for collaborative~~

~~arrangements with other local public, private, voluntary and community sector organisations to address local needs.~~

~~73. The Cabinet can delegate functions, including those relating to partnerships, to officers as determined by the Council's scheme of delegation as outlined within its Constitution, although where functions are delegated, the Cabinet remains accountable for them to Council.~~

74-68. The Chief Finance Officer is responsible for maintaining a register of partnerships, recording full details of the parties involved, the purpose of the partnership and of the accounting arrangements in place (including identification of the Accountable Body) in accordance with Part 11.

75-69. Partnerships (as defined in the Procurement and Contract Rules) are expected to adopt these Financial Regulations, where appropriate, or an equivalent version approved by the Chief Finance Officer.

~~76. The Chief Executive (or a nominated officer), represents the Council on partnership and external bodies as required by statute or the Council.~~

77-70. The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

78-71. The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, and must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.

79-72. The Chief Finance Officer must ensure that there has been a full and comprehensive appraisal of risks, and that there is a shared understanding of those risks, before agreements are entered into with external bodies.

80-73. Corporate The Directors are responsible for ensuring that appropriate advice on legal and taxation consequences, together with relevant approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

81-74. The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

~~Work for Third Parties~~

~~82. The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies in excess of £1,000,000.~~

Area Committees

83-75. The Cabinet delegates the responsibility for the administration of all budgets and grants allocated to support local community networks through its Area Board structure. The activities of these Boards are however, governed by these Financial Regulations and Procedure Rules.

SECTION B – FINANCIAL PROCEDURES

FINANCIAL MANAGEMENT

GENERAL

~~These financial procedures apply to all parts of the Council through the approved Scheme of Delegation.~~

FINANCIAL MANAGEMENT STANDARDS

Why is this important?

- ~~1. All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues, and the Council is responsible for ensuring that all members, employees and anyone working on its behalf understand the rules and that adequate controls are in place to ensure their observance.~~

Key controls

- ~~2. The key controls and control objectives for financial management standards are:~~

~~5.1 Their promotion throughout the Council.~~

~~5.2 Monitoring systems to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Cabinet and /or Council.~~

Responsibilities of the Chief Finance Officer:

~~To ensure the proper administration of the financial affairs of the Council.~~

~~To set the financial management standards and to monitor compliance with them.~~

~~To ensure proper professional practices are adhered to, and to act as head of profession in relation to standards, performance and development of finance staff throughout the Council.~~

~~To advise on the key strategic controls necessary to secure sound financial management throughout the Council.~~

~~To ensure that financial information is available to the Corporate Leadership Team and Cabinet to ensure the effective management of the Council's approved budget.~~

~~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 Corporate Directors:

~~12. To promote and ensure strict adherence by all staff in their departments to the financial management standards and practices set by the Chief Finance Officer.~~

MANAGING EXPENDITURE

Budget Virement **SCHEME OF VIREMENT**

Why is this important?

1. ~~13.~~ The scheme of virement is intended to enable the Cabinet, **Corporate** Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council.

1.2. Decisions of Cabinet, or of a Cabinet sub-committee, of an individual Cabinet member, an Officer, an area committee or through joint arrangements discharging Cabinet functions to implement Council policy, must not exceed the budget allocated to each service area. However, virement can be made across services or divisions of service providing it is made within in accordance with Financial Procedure Rules as set out below this scheme of virement.

Key controls

3. ~~14.~~ Key controls for the scheme of virement are:

~~3.1~~—The scheme is administered by the Chief Finance Officer within guidelines set by the Council, and any variation to the scheme requires the approval of Council.

~~3.1~~

3.2 The overall budget is agreed by the Cabinet and approved by the Council, and budget managers are authorised to incur expenditure in accordance with those estimates and within that approved framework.

3.3 Virement must not create additional an overall budget liability and Corporate Directors are expected to exercise their discretion in managing their budgets responsibly and prudently.

~~3.4~~—Virement should not support recurring expenditure through one-off sources of saving or additional income, or by creating future commitments.

~~3.5~~3.4

Process Procedure

4. ~~15~~—The procedures for budget virement are:

4.1 For amounts up to £100,000 ~~Service~~ Associate Directors may authorise the transfer of funds between budget heads within their own service.

4.2 For amounts up to £100,000 funds may be transferred between different services within the same department provided that both ~~Service~~ Associate Directors responsible agree.

4.3 For amounts up to £250,000 ~~the a~~ Corporate Director responsible for the service may authorise the transfer of funds between different budget heads providing that the overall budget for the department remains the same.

4.4 For amounts up to £250,000 funds may be transferred between different departments provided that both of the Corporate Directors responsible agree.

4.5 For amounts over £250,000 and up to £500,000 a transfer may take place providing that the action is agreed with the ~~Section 151 Chief~~ Finance Officer, a joint report is produced by ~~the a~~ Corporate Director ~~concerned~~, and that the ~~Section 151 Chief Finance~~ Officer which informs the Cabinet of the decision and of the transaction.

4.6 For amounts greater than £500,000 a joint report by the Corporate Director (or Directors) concerned and ~~the Section 154~~the Chief Finance Officer must be submitted to Cabinet for consideration.

4.7 For amounts greater than £500,000 and where the virement represents a departure from the Council's approved policy framework, approval of Council is required following a recommendation from the Cabinet.

5 ~~The Chief Finance Officer is responsible for monitoring and actioning all virements, confirming which requests for virement should be referred to Cabinet and taking action where necessary and reporting to Cabinet.~~

~~5~~

~~Responsibilities of the Chief Finance Officer~~

~~16. To monitor all virements and confirm which requests for virement should be referred to Cabinet.~~

~~Responsibilities of Corporate Directors~~

~~Corporate Directors may exercise the scheme of virement on budgets under their control in accordance with the limits and procedures as set out above.~~

~~6. However, any virement that is likely to impact on the level of service activity of another Corporate Director shall only be implemented after agreement with the relevant Corporate Director.~~

~~7. No virement relating to a specific financial year shall be made after 31 March in that year.~~

~~8. The use of virement should be carefully controlled and monitored and the movement of monies should be restricted to one transaction to or from any specific budget in any financial year, other than with the approval of the Chief Finance Officer.~~

~~96~~ Contingency sums intended for allocation during the year should be treated as variation not ~~not be treated~~ as virement, providing that the amount is used in accordance with the purposes for which it has been established.

TREATMENT OF YEAR- END BALANCES RESULTING FROM OVER/UNDER SPENDING

Why this is important?

~~7.~~ The Council's ~~scheme of virement sets out the authority's~~ treatment of year-end balances ~~and~~ is administered by the ~~Section 151~~ Chief Finance Officer within guidelines set by ~~the~~ Full Council.

~~8.~~ The rules below cover arrangements for the transfer of resources between accounting years, i.e. the carry-forward of balances arising from over/under spending from within an approved budget.

~~7.~~ Year end balances may be carried forward in accordance with the Council's Financial Procedure Rules as set out below.

~~Any variation from the scheme of virement requires the approval of the Council.~~

~~The rules below cover arrangements for the transfer of resources between accounting years, i.e. the carry forward of balances arising from over/under spending from within an approved budget.~~

Key Controls

9. The key controls for the treatment of year-end balances are ensuring that
24. ~~Appropriate~~ appropriate accounting procedures are in operation to ensure that carried forward totals are correct, and that expenditures and incomes are accounted for in the correct financial year.

Procedure

10. The Chief Finance Officer is responsible for the treatment of year-end balances within the guidelines approved by the Council, and ensuring that the overall position on over/under spending is reported in accordance with the approved policy
11. The Cabinet and ~~the Senior Management Board~~the Directors will regularly monitor overall budgets, and individual Corporate Directors ~~will not only be responsible for their own budgets, but will also be~~ jointly responsible for balancing the corporate budget
12. ~~Corporate~~All Directors should as far as possible ensure that any over spending arising from the operation of budgets within their control, can be met from compensatory under spending from other budgets within their area of responsibility, before any such balances are carried forward into the next financial year.
13. Overspends which cannot be met from under-spends in this way may be carried forward, but will then become the first call on service estimates in the following year other than in exceptional circumstances, and following a report to, and the approval of, Cabinet.
8. —
14. Net under spends remaining at the year-end may only be carried forward subject to a report being submitted to Cabinet detailing the nature of any under spend (or of additional Income), and outlining a full proposal for the its use where the under-spend exceeds 5% of the individual budget heading or £100,000 whichever is less.
15. The assumption will be that under spends on departmental or service budgets will be used to supplement the Council's reserves unless dealt with in paragraph 14.

ACCOUNTING POLICIES

Why this is important?

~~9.16.~~ 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 relevant Code of Practice currently Code of Practice on Local Authority Accounting in the United Kingdom 2012/2013 and the Service Reporting Code of Practice 2012/2013, supported by International Financial Reporting Standards (IFRS).for each financial year ending 31st March.

Key Controls

~~10.17.~~ ~~32.~~ The key controls for accounting policies are:

~~17.1~~ Systems of internal control are in place to ensure that financial transactions are lawful.

~~40.1~~~~17.2~~ Suitable accounting policies are selected and applied consistently.

~~40.2~~~~17.3~~ Proper accounting records are maintained.

~~40.3~~~~17.4~~ Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

Procedure

Responsibilities of the Section 151 Officer

~~11.~~ ~~The Chief Finance Officer is responsible for~~~~33.~~ ~~To select producing~~ suitable accounting policies and to ensure that they are applied consistently, and that they are set out in the Council's statement of accounts for the 31 March each year, and cover such items as:

~~12.~~

~~13. separate accounts for capital and revenue transactions;~~

~~14. the basis on which debtors and creditors at year end are included in the accounts;~~

~~15. details on substantial provisions and reserves;~~

~~16. fixed assets;~~

~~17. capital charges and depreciation;~~

~~18. collection fund accounts~~

~~19. stocks and stores and works in progress;~~

~~20. accounting for value added tax;~~

~~21. government grants;~~

~~22. leasing;~~

~~23. pensions.~~

~~24.~~~~18.~~

Responsibilities of Corporate Directors:

~~25-19.~~ ~~34.~~ ~~The Directors~~ All staff ~~to~~ must adhere to the accounting policies and guidelines approved by the ~~Section 151~~ Chief Finance Officer.

ACCOUNTING RECORDS AND RETURNS

Why is this important?

~~20.~~ ~~35.~~ Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources, and the Council has a statutory responsibility to prepare its annual accounts to show a true and present fair view of the financial position its operations during for the year.

~~26-21.~~ These accounts are subject to external audit, and 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 Council's resources.

Key Controls

~~22.~~ ~~37.~~ The key controls for accounting records and returns are:

~~26.1~~~~22.1~~ All Cabinet Members, finance staff and budget managers operate within the required accounting standards and timetables.

~~26.2~~~~22.2~~ All the Council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis.

~~26.3~~~~22.3~~ Procedures are in place to enable accounting records to be reconstituted in the event of systems failure.

~~26.4~~~~22.4~~ Reconciliation procedures are carried out to ensure transactions are correctly recorded.

~~26.5~~~~22.5~~ Prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Chief Finance Officer Procedure

~~27-23.~~ The Chief Finance Officer determines the accounting procedures and records for the Council, and is responsible for arranging the compilation of all accounts and accounting records under his or her direction.

~~28-24.~~ The Chief Finance Officer should comply with the following principles when allocating accounting duties:

24.1 Separating the duties of providing information about sums due to or from the Council and the calculating, checking and recording of these sums from the duty of collecting or disbursing them.

~~28.1~~24.2 Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

~~29.~~25. The Chief Finance Officer should make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2003, and ensure that all claims for funds including grants are made by the due date.

~~30.~~26. The Chief Finance Officer should prepare a draft set of accounts ~~for consideration and approval by the Audit Committee (on behalf of the Council),~~ on or before the 30 June of each year.

~~31.~~27. The Chief Finance Officer should publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable.

~~32.~~28. The Chief Finance Officer should administer the Council's arrangements for under- and overspendings to be carried forward to the following financial year in accordance with the procedure set out above.

~~33.~~29. The Chief Finance Officer should also ensure the proper retention of financial documents in accordance with the requirements set out in the Council's Document Retention schedule policy.

~~Responsibilities of Corporate Directors~~

~~34.~~30. ~~Corporate~~ The Directors should consult and obtain the approval of the Chief Finance Officer before making any changes to accounting records and procedures.

~~35.~~31. ~~Corporate~~ The Directors should maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

~~36.~~32. ~~Corporate~~ The Directors should supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Finance Officer.

Retention of Documents and Records

~~37.~~33. The Council is required by statute to retain documents and records for varying degrees of time, and these are set out within its Document Retention policy.

38.34. The Money Laundering Regulations 2007 require all businesses, including certain areas of work undertaken by the Council, to carry out a “Customer Due Diligence Procedure”. The Council therefore has a statutory duty to identify the client and verify the client’s identity on the basis of documents, data or information obtained from a reliable and independent source.

39.35. There is also a statutory requirement of record keeping in respect of this procedure as follows:

- Copies of, or references to, the evidence obtained of a customer’s identity for five years after the end of the customer relationship, or five years from the date when the transaction was completed.
- Supporting records relating to a customer relationship or occasional transactions for five years from the date when the transaction was completed in relations to records relating to the transaction and for all other records for five years after the end of the customer relationship.

36. 51.—In relation to customer identification the Council must keep:

- A copy of or details about the identification document presented and verification evidence obtained, or
- Information about where the evidence can be obtained.

37. 52.—This section on money laundering should also be read in conjunction with the Council’s approved Anti Money Laundering Policy and detailed guidance notes.

THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

38. 53.—The Council has a statutory responsibility to prepare its own accounts and to present fairly its operations during the year, and has delegated responsibility for approving the statutory annual statement of accounts to the Audit Committee.

Key controls

39. 54.—The key controls for the annual statement of accounts are:

- The Council is required to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs (The Chief Finance Officer – The Section 151 Officer).
- The Council’s 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)

~~Procedures Responsibilities of the Chief Finance Officer (The Section 151 Officer)~~

~~40. 55.~~—The Chief Finance Officer should draw up the timetable for final accounts preparation and to advise members, staff and external auditors accordingly, and;

~~40.1~~ Select suitable accounting policies and apply them consistently.

~~40.140.2~~ Make judgements and estimates that are reasonable and prudent.

~~40.240.3~~ Comply with Code of Practice on Local Authority Accounting in the United Kingdom~~the Statement of Recommended practice (the SORP).~~

~~40.340.4~~ Sign and date the Statement of Accounts and the associated Annual Governance Statement for the Council for the year ended 31 March, and publish the statement of accounts in accordance with the statutory timetable together with the annual audit letter.

~~Responsibilities of Corporate Directors~~

~~40.41.~~ Corporate~~The~~ Directors should comply with accounting guidance provided by the Chief Finance Officer and supply information when required.

FINANCIAL PLANNING

BUDGETING

~~Why is this important?~~

~~41.42. 57.~~ The format of the budget determines the level of detail to which financial control and management will be exercised.

Key controls

~~42.43.~~ ~~58.~~ The key controls for the budget format are that:

- It complies with all legal requirements.
- It complies with CIPFA's Best Value Accounting—any relevant Code of Practice.
- It reflects the accountabilities of service delivery.

~~Responsibilities of the Chief Finance Officer~~Procedure

~~44.~~ The Chief Finance Officer is responsible for~~59.~~ To advise ~~advising~~ the Cabinet on the format of the budget that is then approved by the Council.

~~43-45.~~ ~~The Directors shall~~ To comply with ~~accounting-budgeting~~ guidance provided by the Chief Finance Officer.

Revenue budget preparation, monitoring and control

Why is this important?

~~44-46.~~ The revenues budget must be ~~constructed-prepared~~ so as to ensure that resource allocation properly reflects the service plans and priorities of the Council.

~~45-47.~~ Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent, and it is illegal for the Council to budget for a deficit.

~~46-48.~~ Budget management ensures that once the budget has been approved by the Council resources are used for their intended purposes and are properly accounted for.

~~47-49.~~ Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year, and it also provides the mechanism that calls to account managers for defined elements of the budget.

~~48-50.~~ By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.

~~49.~~ ~~The Council operates within an annual cash limit, approved when setting the overall budget, and to ensure that the Council does not over spend; each service is required to manage its own expenditure within the cash limited budget allocated to it.~~

~~50-51.~~ ~~For the purposes of budgetary control by managers, a budget will normally be 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 a Corporate Director's scheme of delegation.~~ ~~[delete]~~

Key controls

~~52.~~ ~~68.~~ The key controls for managing and controlling the revenue budget are ~~that:~~

~~Budget managers are responsible only for income and expenditure that they can influence.~~

52.1 ~~t~~ There is a nominated budget manager for each cost centre heading. ~~g.~~

- 52.2 ~~B~~udget managers follow an approved certification process for all expenditure.
- 52.3 ~~I~~ncomes and expenditures are properly recorded and accounted for.
- 52.4 ~~P~~erformance levels and levels of service are monitored in conjunction with the budget, and action is taken to align service outputs and budget when necessary.

~~Responsibilities of the Chief Finance Officer~~Procedures

~~51-53. 69-~~The Chief Finance Officer shall ~~To~~ establish an appropriate framework of budgetary management and control that ensures that:

- 53.1 Budget management is exercised within annual ~~cash limits~~approved budgets unless the Council agrees otherwise.
- 53.2 Each ~~Corporate Director~~nominated budget manager receives regular timely budget monitoring reports, ~~compiled on an accruals basis~~ that ~~is~~ are sufficiently detailed to enable them to fulfil their budgetary responsibilities.
- 53.3 Expenditure is committed only against an approved budget head.
- 53.4 All officers responsible for committing expenditure comply with relevant guidance, and the financial regulations (e.g. corporate procurement guidelines, compliance with contracting standing orders etc).
- 53.5 ~~Each cost centre has a single named manager, determined by the relevant Corporate Director.~~ As a general principle, budget responsibilities should be aligned as closely as possible to the decision-making process that commits expenditure.
- 53.6 All significant variances from approved budgets are investigated and reported on by nominated budget managers on a regular basis.
- 53.7 Reports are provided to Cabinet and/or Full Council on:
- The robustness of these estimates.
 - The adequacy of the proposed financial reserves.
 - The inadequacy of controlled reservesearmarked reserve position.

~~54. 70-~~The Chief Finance Officer should also:

~~Administer the Council's scheme of virement in accordance with procedures set out above.~~

~~54.1~~ Submit reports to the Cabinet and Council ~~in consultation with the relevant Corporate Director, where a Corporate Director is unable to balance expenditure and resources within approved budgets with recommendations to balance any budget shortfalls.~~

~~54.154.2~~ Prepare and submit reports on the Council's projected income and expenditure compared with the budget on a regular basis.

~~54.2~~

~~54.3~~

~~54.3~~ Encourage the best use of resources and value for money by working with ~~Corporate the~~ Directors to identify opportunities to improve economy, efficiency and effectiveness.

~~52.~~

~~53.~~

~~54.~~ Responsibilities of Corporate Directors

~~55.~~

~~56-55.~~ ~~Corporate The~~ Directors should maintain budgetary control within their ~~departments services~~ and ensure that all income and expenditure is properly recorded and accounted for.

~~57-56.~~ ~~Corporate The~~ Directors should ensure that an accountable budget manager is identified for each item of income and expenditure under their control (as a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure).

~~58-57.~~ ~~Corporate The~~ Directors should ensure that spending remains within the service's ~~overall cash limit budget~~, and that individual budgets ~~s heads~~ are not overspent, by monitoring ~~the budget and and~~ taking appropriate corrective action where significant variations from the approved budget are forecast.

~~59-58.~~ ~~Corporate The~~ Directors should ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and that it is operating effectively.

~~60-59.~~ ~~The Directors shall P~~ prepare and submit to the Cabinet reports on the projected expenditures compared with budgets, in consultation with the Chief Finance Officer.

~~61-60.~~ ~~The Corporate Directors shall E~~ ensure that prior approval by ~~the Full~~ Council or Cabinet (as appropriate) is sought for new proposals, whatever ~~the~~ amount ~~involved~~, that:

60.1 Create financial commitments in future years.

60.2 Change existing policies, or initiate new or cease existing policies.

60.3 Materially extend or reduce the Council's services

~~62. Corporate Directors should also ensure compliance with the scheme of virement.~~

Budgets and Medium-Term Planning

Why is this important?

~~63-61.~~ The Council is a complex organisation responsible for delivering a wide variety of services, and it needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities.

~~64-62.~~ The budget is a spending plan and the financial expression of the Council's plans and policies, and it must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council.

~~65-63.~~ Medium term planning involves a planning cycle in which managers develop their own plans, adding to the Council's Medium Term Financial Strategy (MTFS) as each year passes, to ensure that the Council is always preparing for events in advance.

Key controls

~~66-64.~~ The key controls in place for budgets and medium term planning are:

64.1 Specific budget approval for all expenditure.

64.2 Budget managers assist in the development of budgets and service standards for which they will be held responsible.

64.3 Monitoring processes are in place to review the effectiveness and operation of budget preparation, and to ensure that corrective action is taken as and when required.

~~67. Responsibilities of the Chief Finance Officer~~

~~68.~~

~~69-65.~~ ~~82.~~ The Chief Finance Officer should:

~~64-465.1~~ Prepare and submit reports on budget and medium-term prospects to the Cabinet, including resource constraints set by the Government.

~~64-565.2~~ 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 Cabinet and Corporate Directors.

~~64.665.3~~ Prepare and submit reports to the Cabinet on the aggregate spending plans ~~of departments of services~~ and on the resources available to fund them, identifying where appropriate, the implications for the level of council tax to be levied.

~~64.765.4~~ Advise on the medium term implications of spending decisions.

~~64.865.5~~ Encourage the best use of resources and value for money by working with ~~Corporate~~ Directors 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.

~~64.965.6~~ Advise ~~the Full~~ Council on Cabinet proposals in accordance with section 151 of the Local Government Act 1972.

Responsibilities of Corporate Directors

~~66.~~ ~~Corporate~~ ~~The~~ Directors should prepare estimates of income and expenditure, in the form as may be prescribed by the Chief Finance Officer. in consultation with the Chief Finance Officer for submission to Cabinet, and prepare budgets that are consistent ~~with any relevant cash limits~~, the Council's annual budget cycle, and with guidelines issued by the Cabinet.

~~70.~~ ~~The format should be prescribed by the Chief Finance Officer in accordance with the Council's general directions.~~

~~71-67.~~ ~~Corporate~~ ~~The~~ Directors should integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

~~72-68.~~ In consultation with the Chief Finance Officer, and in accordance with issued guidance and timetables, ~~Corporate~~ ~~the~~ Directors should prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.

~~73-69.~~ When drawing up draft budget requirements, ~~Corporate~~ ~~the~~ Directors should have regard to:

~~64.1069.1~~ Spending patterns and pressures revealed through the budget monitoring process.

~~64.11~~69.2 Legal requirements.

~~64.12~~69.3 Requirements defined by ~~the Full~~ Council in its approved policy framework.

~~64.13~~69.4 Initiatives already under way.

Capital budget preparation, monitoring and control

~~74.~~ Why is this important?

~~75.~~

~~76-70.~~ Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles.

~~77-71.~~ Capital assets support the delivery of services and create long term financial commitments for the future in the form of financing costs and ongoing revenue running costs.

~~78-72.~~ The procedures that follow should be read in conjunction with the Capital [Asset](#) Strategy, ~~Contract Procedure- Procurement and Contract~~ Rules and Capital Guidance issued by the Chief Finance Officer.

~~79-73.~~ The Government places strict controls on Council borrowing through the Prudential Code, and capital expenditure should form part of an investment strategy and be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

~~74.~~ ~~92.~~ The key controls for capital programmes are:

74.1 Specific approval is required by Council for the programme of capital expenditure.

74.2 ~~Expenditure on capital schemes is subject to the approval of the Chief Finance Officer. [delete]~~

74.3 A business case and option appraisal for each scheme including cost estimates, project plan, progress targets and associated long term revenue implications is prepared for each capital project for approval by the Cabinet and ~~Full~~ Council as deemed necessary by the Chief Finance Officer.

74.4 Approval by the Cabinet where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the Council, where the expenditure exceeds this amount.

- 74.5 Proposals for improvements and alterations to buildings must be approved by the appropriate officer, Corporate Director, or Cabinet depending on the size and cost of the scheme.
- 74.6 Schedules for individual schemes within the overall budget approved by the Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Council.
- 74.7 The development and implementation of Asset Management plans.
- 74.8 Accountability for each proposal is accepted by a named manager.
- 74.9 Monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Chief Finance Officer Procedure

~~80-75.~~ The Chief Finance Officer should prepare capital estimates jointly with ~~Corporate the~~ Directors ~~and the Chief Executive~~ and to report them to the Cabinet for approval.

~~81-76.~~ The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to ~~the Full Council, and~~ Cabinet Member approval is required where a ~~Corporate~~ Director proposes to bid for, or exercise additional borrowing ~~approval which is~~ not anticipated in the capital programme, ~~as e~~ Additional extra borrowing, may increase the Council's financing costs and therefore create a future ongoing commitment.

~~82-77.~~ The Chief Finance Officer should prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.

~~83-78.~~ The Chief Finance Officer should issue guidance in respect of capital schemes and controls, which sets out the definition of "capital" having regard to Government regulation and accounting requirements. The Directors should comply with this guidance and ensure that all capital proposals have undergone a project appraisal.

~~84-79.~~ The Chief Finance Officer should monitor the overall capital programme, and liaise with the appropriate Corporate Director to ensure that planned corrective action is reported to Cabinet wherever expenditures are likely to significantly exceed budgetary provision.

~~85-80.~~ A report should be presented to the Cabinet and ~~for the Full~~ Council where in the opinion of the Chief Finance Officer, the approved prudential indicators for

the authorised limit for external debt, are likely to be breached; setting out what action, if any, should be taken.

Responsibility of Corporate Directors

~~86. Corporate Directors should comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer, and ensure that all capital proposals have undergone a project appraisal.~~

~~87-81. The Corporate~~ Directors should prepare regular reports reviewing the capital programme provisions for their ~~department~~service area, and a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Chief Finance Officer.

~~88-82. The Corporate~~ Directors should also ensure that adequate records are maintained for all capital contracts, and should only proceed with projects when there is adequate provision in the capital programme and with the agreement of the Chief Finance Officer where required.

~~89-83. The Corporate~~ Directors should prepare and submit reports, jointly with the Chief Finance Officer, to the Cabinet, for any variation in contract costs greater than the approved limits. The Cabinet may meet cost increases of up to 5% by virement from savings elsewhere within their capital programme.

~~90-84. The They~~ Directors should also ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance Officer and, ~~if applicable,~~ seek approval of the scheme through the capital programme.

~~91-85. The Corporate~~ Directors should consult with the Chief Finance Officer and seek Cabinet approval where a proposal to bid for supplementary credit approvals from Government departments to support expenditure, has not previously been included in the current year's capital programme.

Maintenance and use of Reserves

~~92-86.~~ The Council, subject to sections 25-27 of the Local Government Act 2003, must decide on the level of general reserves it wishes to maintain, although they should be at prudent and appropriate level to meet the Council's needs, and determined upon the advice of the Chief Finance Officer.

~~93-87.~~ Reserves enable the Council to plan and operate efficiently, and provide contingency against the impact of unexpected events, and for planned purposes, ~~such as the purchase or renewal of capital items.~~

Key controls

~~94-88.~~ Reserves should be maintained in accordance with the Code of Practice on Local Accounting in the United Kingdom: ~~A Statement of Recommended Practice (CIPFA/LASAAG)~~ and the Council's agreed accounting policies.

~~95-89.~~ For each reserve established its nature and purpose, together with the anticipated timescales for use, should be clearly identified and agreed and reviewed with the Chief Finance Officer on a regular basis.

~~96-90.~~ The Cabinet must approve the use of any reserve by the relevant budget holder, which has not been previously budgeted for and approved.

Responsibilities of the Chief Finance Officer

~~97-91.~~ It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the Council on prudent levels of reserves for the Council, as part of the three-year revenue and capital forward budget process, after carrying out a financial risk management assessment, and taking account of the advice of the Council's external auditor.

~~98-92.~~ It is the responsibility of the Chief Finance Officer to report to the Cabinet and/or the Council on the adequacy of the proposed level of financial reserves held by the Council.

~~99-93.~~ It is the responsibility of the Chief Finance Officer to report to the Cabinet and/or the Council where if in relation to the previous financial year it appears that a controlled reserve is or is likely to be inadequate, stating:

- The reasons for that situation.
- The appropriate action required to prevent such a situation arising in relation to the corresponding reserve for the financial year under consideration.

Responsibilities of Corporate Directors

~~100.~~ It is the responsibility of the Directors to ensure that reserves are used only for the purposes for which they are intended and to agree this with the Chief Finance Officer.

~~101.~~

~~To agree and review on a regular basis with the Chief Finance Officer, the nature and use of all reserves under their control.~~

~~102-94.~~

RISK MANAGEMENT AND CONTROL OF RESOURCES

RISK MANAGEMENT

~~103.~~ Why is this important?

~~104.~~

~~105.~~ All organisations, whether private or public sector, face risks to people, property and continued operations.

~~106-95.~~ Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event to people, property or the continued operations of the Council; and Risk management is the planned and systematic approach to the identification, evaluation and control of risk.

~~96.~~ The objective of risk management is to secure the assets of the Council and to ensure its continued financial and organisational well being and is therefore, an integral part of good business practice.

~~407-97.~~ 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.

~~408-98.~~ It is the overall responsibility of Council to approve the risk management strategy, and to promote a framework and culture of risk management throughout the Council.

~~409-99.~~ The Audit Committee should monitor and review the effectiveness of the Council's risk management strategy and its application throughout the Council.

Key Controls

~~110-100.~~ ~~121.~~ The key controls for risk management are:

~~74.10~~100.1 Ensuring that procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council.

~~74.11~~100.2 Maintaining a continuous monitoring process and regularly reviewing the effectiveness of risk reduction strategies and their operation.

~~74.12~~100.3 Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.

~~74.13~~100.4 Ensuring that suitable provision is made for losses that might result from the risks that are difficult to mitigate.

~~74.14~~100.5 Acceptable levels of risk are determined and insured against where appropriate.

~~74.15~~100.6 The Council has identified business continuity plans for implementation in the event of a disaster that could result in significant loss or damage to its resources.

Responsibilities of the Service Director – Performance

~~411-101. 122. — The Associate Directors are responsible for~~ preparing and promoting the Council's risk management policy statement, and develop risk management controls in conjunction with ~~other the~~ Corporate Directors.

~~412-102. The~~ Chief Finance Officer~~Associate Director, People and Business Services~~ should ensure that the Council has suitable insurance arrangements in place to protect its interests, fulfil its statutory obligations, and all responsibilities in respect of staff and the public.

~~413-103. The~~ Chief Finance Officer should effect corporate insurance cover through external insurance and/or internal funding, and to negotiate all claims in consultation with other officers, where and when necessary.

~~[delete]Responsibilities of Corporate Directors~~

~~104. To notify the Chief Finance Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Chief Finance Officer or the Council's insurers.~~

~~114. To take responsibility for risk management, having regard to advice from the Service Director — Performance and other specialists.~~

~~415-105. The Corporate Directors should take responsibility for risk management and undertake~~ To ensure that there are regular reviews of risk within their ~~departments~~service areas in consultation with the Associate Directors, and to notify the ~~Service Director — Performance and/or the Chief Finance Officer~~Associate Director, People and Business Services promptly of all new risks, properties or vehicles that require insurance, and of any factors that may affect existing insurances.

~~416-106. The Corporate Directors should~~ To consult the Chief Finance Officer and the ~~Head of Legal and Democratic Services~~Associate Director, Legal and Governance on the terms of any indemnity that the Council is requested to give.

~~417-107. To ensure that employees, or anyone covered by the Council'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

~~118. — Why is this important?~~

~~119. —~~

~~420.108.~~ The Council is a complex organisation and is required to fulfil statutory obligations, and therefore requires internal controls to manage and monitor progress towards its strategic objectives.

~~109.~~ The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives.

~~424.110.~~ Internal controls are therefore necessary to manage and mitigate these risks and provide mechanisms that measure achievement of:

~~74.16~~110.1 Efficient and effective operations.

~~74.17~~110.2 Reliable financial information and reporting

~~74.18~~110.3 Compliance with laws and regulations

~~74.19~~110.4 Risk management.

Key Controls

~~422.111.~~ ~~133.~~ The key controls and control objectives for internal control systems are:

~~74.20~~111.1 Key controls should be reviewed on a regular basis, and the Council should make a formal statement annually to the effect that it is satisfied its systems of internal control are operating effectively.

~~74.24~~111.2 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.

~~74.22~~111.3 Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.

~~74.23~~111.4 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

~~423.112.~~ ~~134.~~ The Chief Finance Officer is responsible for ensuring the Council puts in place an appropriate control environment which incorporates

effective internal controls; and provides reasonable assurance that its operations are effective and efficient, and that it conducts business within a framework of sound financial stewardship, probity and in full compliance with all relevant legislation and regulation.

~~124. Responsibilities of Corporate Directors~~

~~125.~~

~~126-113.~~ To manage processes and to ensure that established controls are being adhered to.

~~127-114.~~ Corporate Directors should regularly evaluate the effectiveness of controls, and ensure that their staff have a clear understanding of the consequences and implications of ~~the lack of such procedures~~ failing to apply adequate controls.

~~128-115.~~ ~~Corporate Directors should review existing controls in the light of changes affecting the Council, removing controls that become unnecessary, ineffective, or are no longer cost effective, and establishing and implementing new controls in line with guidance from the Chief Finance Officer.~~ ~~[delete]~~

AUDIT REQUIREMENTS

Internal Audit

Why is this important?

~~129-116.~~ 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”.

~~130-117.~~ The Accounts and Audit Regulations 2003, regulation 6, more specifically 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”.

~~131-118.~~ Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It 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

~~132-119.~~ ~~141.~~ The key controls for internal audit are:

~~74-24119.1~~ That it is independent in its planning and operation.

~~74.25~~119.2 The Head of Internal Audit has direct access to the Chairman of Council, the Chairman of the Audit Committee, the Chief Executive and all levels of management.

~~74.26~~119.3 Internal auditors comply with the Auditing Practices Board's guideline Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

Procedures

~~133-120.~~ The Chief Finance Officer shall~~442.~~ To ensure that internal auditors have the authority to:

~~74.27~~120.1 Access Council premises at reasonable times.

~~74.28~~120.2 Access all assets, records, documents, correspondence and control systems.

~~74.29~~120.3 Receive any information and explanation considered necessary concerning any matter under consideration.

~~74.30~~120.4 Require any employee of the Council to account for cash, stores or any other Council asset under his or her control.

~~74.34~~120.5 Access records belonging to third parties, such as contractors, when required.

~~74.32~~120.6 Directly access ~~the Chief Executive and~~ the External Auditor.

121. It is the responsibility of the Directors:

121.1 Responsibilities of Corporate Directors

121.2

~~121.3~~121.1 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents, records and assets that the auditors consider necessary for the purposes of their work.

~~121.4~~121.2 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

~~121.5~~121.3 To consider and respond promptly to recommendations in audit reports, and ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

~~121.6~~121.4 ~~To notify the Chief Finance Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Corporate Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.~~

~~121.7~~121.5 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?

~~134.~~122. ~~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. [delete]~~

~~135.~~123. The external auditor, as appointed from time to time, has rights of access to all documents and information necessary for audit purposes.

~~136.~~124. The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999 and the Code of Audit Practice 2010 for Local Government Bodies issued by the Audit Commission. 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. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:

- The financial aspects of the audited body's corporate governance arrangements.
- The audited body's financial statements.
- The audited body's arrangements for managing its performance.

~~151.~~—The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question, and complies with the legal requirements.

Key Controls

~~137-125.~~ ~~152.~~ 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~~ Procedures

~~138-126.~~ It is the responsibility of the Chief Finance Officer ~~To~~ ensure that external auditors are given access at all reasonable times to premises, personnel, documents, records and assets that they consider necessary for the purposes of their work.

To ensure there is effective liaison between external and internal audit.

To work with the external auditor, and advise the Council, committees and Corporate Directors on their responsibilities in relation to external audit.

~~139-127.~~ It is the responsibility of the Directors ~~156.~~ ~~To~~ ensure that external auditors are given access at all reasonable times to premises, personnel, documents, records and assets which the external auditors consider necessary for the purposes of their work; and to ensure that all records and systems are up to date and available for inspection.

PREVENTING FRAUD AND CORRUPTION

~~140.~~ ~~Why is this important?~~

~~141.~~

~~142-128.~~ The Council will not tolerate fraud and corruption in the administration of its responsibilities.

~~143-129.~~ The Council'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.

~~144-130.~~ The Council also expects that individuals and organisations (e.g. suppliers, contractors and service providers) with which it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Key Controls

~~145-131.~~ ~~160.~~ The key controls regarding the prevention of financial irregularities are that:

~~421.8~~131.1 The Council has an effective Anti-Fraud and Corruption policy and maintains a culture that will not tolerate fraud or corruption.

~~421.9~~131.2 All members and staff act with integrity and lead by example.

~~421.10~~131.3 Corporate Directors are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt.

~~421.11~~131.4 High standards of conduct are promoted amongst members by the Standards Committee.

~~421.12~~131.5 The maintenance of a register of interests in which any hospitality or gifts accepted by staff or members must be recorded in accordance with the Council's Code of Conduct.

~~421.13~~131.6 "Whistle blowing" procedures are in place and operate effectively.

~~421.14~~131.7 Legislation including the Public Interest Disclosure Act 1998 is adhered to.

~~Responsibilities of the Chief Finance Officer~~Procedures

~~446-132.~~ ~~461.~~—The responsibilities of the Chief Finance Officer include:

~~421.15~~132.1 The development and maintenance of an anti-fraud and anti-corruption policy.

~~421.16~~132.2 The maintenance of adequate and effective internal control arrangements.

132.3 Ensuring that suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources are reported to at least one of the following: the Head of Internal Audit, ~~the Chief Executive, the Corporate Directors,~~ the Cabinet and the Audit Committee.

~~421.17~~132.4 Ensuring 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 advised to determine with the Crown Prosecution Service whether any prosecution will take place.

~~447.~~—**~~Responsibilities of Corporate Directors~~**

~~448.~~—

149-133. ~~162.~~ Responsibilities of ~~Corporate the~~ Directors include:

~~133.1 Ensuring that all suspected irregularities are reported to the Head of Internal Audit. To N~~otifying the Chief Finance Officer immediately of any actual or suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Corporate Directors should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

~~133.2~~133.1

133.2 Instigating the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

~~133.3 Ensuring 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 advised to determine with the Crown Prosecution Service whether any prosecution will take place.~~

133.4 ~~To maintain~~Maintaining a departmental register of interests.

133.5 ~~To e~~Encourage and p~~promotinge~~ the Council's Code of Conduct and Confidential Reporting Procedure ("Whistle blowing").

ASSETS

Security

Why is this important?

~~150.~~ The Council holds significant assets in the form of property, vehicles, equipment, furniture and other items.

~~134.~~

~~151-135.~~ It is important therefore, 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.

~~It is important therefore, 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

~~152.136.~~ ~~165.~~—The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

~~133.6~~136.1 Resources are used only for the purposes of the Council and are properly accounted for.

~~133.7~~136.2 Resources are available for use when required.

~~133.8~~136.3 Resources no longer required are disposed of in accordance with the law and the Council's Disposals policy so as to maximise benefits.

~~133.9~~136.4 A ~~fixed~~ asset register is maintained by the Council, which records assets when they are acquired, and is updated as changes occur with respect to the location, condition or ownership of the asset.

~~133.10~~136.5 All staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection ~~Act~~ legislation and software copyright legislation.

~~133.11~~ All staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's Computer and Internet Security policies.

~~133.12~~136.6

~~Responsibilities of the Chief Finance Officer~~ Procedures

~~153.137.~~ ~~The Chief Finance Officer should~~ ~~To~~ ensure that an asset register is maintained in accordance with good practice for all fixed assets. The function of the asset register is to provide the Council with information about fixed assets so that they are:

- Safeguarded.
- Used efficiently and effectively.
- Adequately maintained.

~~154.138.~~ The Chief Finance Officer should ~~also receive the information required for accounting, and financial record keeping from each Corporate Director, and~~ 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 Corporate Directors~~

~~155-139.~~ ~~169.~~—The appropriate ~~Corporate~~ Director should:

~~133-13~~139.1 Maintain a ~~property-fixed asset database register~~ in a form approved by the Chief Finance Officer for all properties, plant and machinery and ~~moveable-asset equipment~~ currently owned by the Council.

~~133-14~~139.2 Ensure that any use of property by a department or establishment other than for direct service delivery is supported by documentation identifying terms, responsibilities and duration of use.

~~133-15~~139.3 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 an appropriate form approved by the ~~Corporate~~ Director in consultation with the Chief Finance Officer ~~has been entered into~~.

~~133-16~~139.4 Ensure the proper security of all buildings and other assets under their control, and where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a report by the ~~Corporate~~ Director and the Chief Finance Officer.

~~133-17~~139.5 Ensure that title deeds are passed to the ~~Head of Legal and Democratic Services~~ Associate Director, Legal and Governance who is responsible for custody of all title deeds.

~~133-18~~139.6 Ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council, and ensure that no Council asset is subject to personal use by an employee without proper authority.

~~133-19~~139.7 Ensure that their ~~department-service area~~ maintains a register of moveable assets in accordance with arrangements defined by the Chief Finance Officer, and that assets are identified, their location recorded and that they are appropriately marked and insured.

~~133-20~~139.8 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.

~~133-21~~139.9 Ensure cash holdings on premises are kept to a minimum, and that the use of keys and security devices are controlled by authorised staff at all times. The loss of any keys or security devices must be reported to the Chief Finance Officer as soon as possible.

~~133-22 Record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation~~

~~with the Chief Finance Officer the Cabinet agrees otherwise; and arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.~~

~~133.23~~139.10 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 Council in some way.

Inventories

~~Responsibilities of Corporate Directors~~Procedures

140. The Directors should~~To~~

~~133.24~~140.1 maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery above £500 in value; and 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 recording, annotating the inventory accordingly.

~~133.25~~140.2 Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

~~133.26~~140.3 To make sure that property is only used in the course of the Council's business, unless the ~~Corporate~~ Director concerned has given permission otherwise.

Stocks and stores

~~Responsibilities of Corporate Directors~~Procedures

141. It is the responsibility of the Directors:

~~133.27~~141.1 ~~To make arrangements for the care, custody and recording of stocks and stores in their department; and to ensure that all such stocks are maintained at reasonable levels and are subject to a regular independent physical check. The nature of any discrepancies should be investigated and pursued to a satisfactory conclusion.~~[delete]

~~133.28~~141.2 To investigate and write-off discrepancies as necessary in accordance with the Council's write off procedures, or to obtain Cabinet approval if they are in excess of £25,000 and to authorise the disposal of redundant stocks and equipment in accordance with Council's Disposals policy.

~~133.29~~141.3 Procedures for disposal of such stocks and equipment should be by competitive ~~quotations process~~ or auction, unless, following consultation with the Chief Finance Officer, the Cabinet decides otherwise in a particular case. Cabinet approval is also required to write-off redundant stocks valued in excess of a £25,000.

~~133.30~~141.4 In accordance with the closure of accounts timetable to forward to the Chief Finance Officer a stock certificate certifying quantities of stocks held together with their values as at 31 March.

Intellectual property

Why is this important?

156.— Intellectual property is a generic term that includes inventions and writing and is covered by various legislation. 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. Certain activities undertaken within the Council may give rise to items that may be acquire a design right, patent, trade mark or copyright (Patentable, for example, software development). These items are collectively known as intellectual property.

157.— ~~Various acts of Parliament cover different types of intellectual property, and certain activities undertaken within the Council may give rise to items that may be Patentable, for example, software development. These items are collectively known as intellectual property.~~

~~158.142.~~

Key Controls

~~159.143.~~ 179.— In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved Intellectual Property policy.

~~Responsibilities of the Chief Finance Officer~~ Procedures

144. The Chief Finance Officer should ~~180.~~ ~~To~~ develop and maintain an Intellectual property policy, and ensure that good practice is disseminated throughout the Council.

145. The Directors should 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?~~

~~160-146.~~ 182.—It would be uneconomic and inefficient for the cost of assets to outweigh their benefits, and obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Council's Disposals policy.

Key Controls

~~161-147.~~ 187. Assets for disposal are identified and are disposed of only at the appropriate time, and when it is in the best interests of the Council; and that the best community benefit or price is obtained upon disposal after taking account of other factors such as environmental issues.

~~162-148.~~ 188. For items of significant value, disposal should be by competitive tender or public auction.

~~163-149.~~ 189. Procedures protect staff involved in the disposal from accusations of personal gain.

~~Responsibilities of the Chief Finance Officer~~Procedures

~~164-150.~~ 190. ~~The Chief Finance Officer should~~ To issue guidelines representing best practice for disposal of assets, ~~and to~~ to ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records, and ~~to~~ to record any incomes received upon disposal.

~~The Directors should~~ Responsibilities of Corporate Directors

~~151.~~ 187. ~~To~~ seek advice from purchasing advisors on the best means of disposal of surplus or obsolete materials, stores or equipment; and to ensure that income received for the disposal of an asset is properly banked and coded.

152. The Directors should record all disposal or part exchange of assets where following consultation with the Chief Finance Officer, the Cabinet has agreed that this can be done other than by competitive tender or public auction. The Director should also arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer.

TREASURY MANAGEMENT

Treasury Management and Banking

Why is this important?

~~165-153.~~ Significant sums pass through the Council's accounts each year, and the adoption of CIPFA's Code of Practice for Treasury Management in the Public Services (2002), the Prudential Code as determined under the Local Government Act 2003 and the Local Authorities (Capital Finance and Accounting (England)) Regulations 2003, as part of Financial Regulations, ensure that there is a strong foundation for the careful management of Council monies.

~~166-154.~~ These regulations provide assurances that the Council's monies are properly managed in a way that balances risk with return, but with an overriding consideration been given to the security of the Council's investments.

Key Controls

~~167-155.~~ ~~190.~~—That the Council's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the Council's Treasury policy statement, and that any borrowings remain within the authorised limits required by the Prudential Code for Capital Finance and Section 3 of Local Government Act 2003.

Responsibilities of the Chief Finance Officer Procedures

156. It is the responsibility of the Chief Finance Officer:

- 156.1 To arrange the borrowing and investments of the Council in such a manner as to comply with the latest CIPFA Code of Practice for Treasury Management in the Public Services the Council's Treasury Management policy statement and strategy and Treasury Management Practices.
- 156.2 To produce an Annual Treasury Management Strategy incorporating the Annual Investment Strategy and Minimum Revenue Provision Policy to be approved by the Council before the start of each financial year, and to report the outturn position to Council, and produce quarterly regular reports to Cabinet.
- 156.3 To operate bank accounts as are considered necessary, opening or closing any bank account ~~shall require the approval of the Chief Finance Officer.~~

156.4 All bank accounts held shall be in the name of Wiltshire Council.

~~157. Responsibilities of Corporate Directors~~

~~158. The Directors should~~

~~159.157. 195. To follow seek and the follow the instructions on banking issued by the Chief Finance Officer where they are operating, opening or closing bank accounts in relation to bank accounts.~~

Investments and Borrowing

~~Responsibilities of the Chief Finance Officer~~ Procedures

~~158. It is the the responsibility of the Chief Finance Officer:~~

~~158.1 To ensure that all investments are made in the name of the Council, or where applicable in the name of nominees approved by the Council.~~

~~158.2 To ensure and that all securities that are the property of the Council or its nominees, and the title deeds of all property in the Council's ownership, are held in the custody of the Chief Finance Officer securely.~~

~~159.1~~ ~~158.3~~ To determine the requirement for all borrowings on behalf of the Council, and to administers all such borrowings.

~~159.2~~ ~~158.4~~ To act as the Council's registrar of stocks, bonds and mortgages, and to maintain records of all borrowings made by the Council.

Responsibilities of Corporate Directors

~~160.159. 199. The Directors shall~~ To ensure that loans are not made to third parties, and that no interests are acquired in companies, joint ventures, or other enterprises without the approval of the Council, and following consultation with the Chief Finance Officer.

Trust Funds and Funds Held for Third Parties

~~Responsibilities of Corporate Directors~~

~~161.160. The Directors should~~ To arrange for all trust funds to be held, wherever possible, in the name of the Council. 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 deed otherwise provides.

~~162.~~161. ~~Where To arrange, where~~ funds are held on behalf of third parties, ~~Directors should arrange for~~ their secure administration, approved by the Chief Finance Officer and ~~to maintain ensure~~ written records of all transactions are maintained.

~~163.~~162. ~~The Directors shall To~~ ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Imprest Accounts (and petty cash)

~~Responsibilities of the Chief Finance Officer~~Procedures

~~164.~~163. It is the responsibility of the Chief Finance Officer To provide employees of the Council with cash or bank imprest accounts to meet minor expenditure on behalf of the Council, to prescribe rules for operating these accounts, determine petty cash limits, maintain a record of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances.

~~165.~~164. The Chief Finance Officer should arrange to reimburse imprest holders as often as necessary to restore the imprest balance.

~~166.~~165. It is the responsibility of the Directors To ensure that employees operating an imprest account:

~~166.1~~165.1 Obtain and retain vouchers to support each payment from the imprest account, and where appropriate, an official receipted VAT invoice must be also obtained.

~~166.2~~165.2 Make adequate arrangements for the safe custody of the account.

~~166.3~~165.3 Produce upon demand by the Chief Finance Officer, cash and all vouchers to the total value of the imprest amount.

~~166.4~~165.4 Record transactions promptly.

~~166.5~~165.5 Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder.

~~166.6~~165.6 Provide the Chief Finance Officer with a certificate of the value of the account held at 31 March each year.

~~166.7~~165.7 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 to reimburse the float or change relating to purchases where an advance has been made.

~~166.8~~165.8 On leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, ~~an employee shall~~ account to the Chief Finance Officer for the full amount of any imprest they hold.

STAFFING

Why is this important?

~~167.166.~~ ~~206.~~ In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, appropriately qualified staff.

Key Controls

~~167.~~ ~~207.~~ The key controls for staffing are:

167.1 The Council's People Strategy, in which staffing requirements and appropriate budget allocations are matched.

~~167.4~~167.2 Procedures are in place for forecasting staffing requirements and cost.

~~167.2~~167.3 Controls are implemented that ensure that staff time is used efficiently and to the benefit of the Council.

167.4 Checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Procedures

168. ~~Responsibilities of Service Director – Shared Services and Customer Support~~ It is the responsibility of the Associate Director, People and Business Services:

168.1 To ensure that an appropriate ~~s~~Staffing ~~s~~Structure is maintained to deliver all services and plans approved by the Council.

~~168.4~~168.2 ~~To and approve the deletion or creation that no posts are created or deleted without the approval of the Service Director – Shared Services and Customer Support~~ of posts, and confirm ~~ation~~ that a sufficient ~~ongoing~~ budget exists for all new appointments.

~~168.2~~168.3 To ensure that the authorised ~~s~~Staffing ~~e~~Establishment is accurately maintained by the ~~p~~Personnel/ ~~p~~Payroll system, and that it maintains the corresponding payroll records.

168.4 To ensure that only authorised posts can be created or deleted on the Establishment, and only authorised personnel can be created or deleted on the Payroll System.

~~168.3~~168.5 To advise the Chief Finance Officer when the staffing budget is likely to be materially over, or under spent.

~~Responsibilities of the Chief Finance Officer~~

169. It is the responsibility of the Chief Finance Officer To ensure that robust budget provisions exist for all existing employees, and that adequate arrangements exist for monitoring staffing costs against those budgets.

~~170. To act as an advisor to Corporate Directors on areas such as National Insurance and Employee/Employer pension contributions.~~

~~Responsibilities of Corporate Directors~~

170. It is the responsibility of the Directors:

170.1 To produce an annual staffing budget as part of the overall annual budget, and to ensure that it is an accurate forecast of staffing levels and supported by an appropriate revenue budget provision (including employer on-costs and overheads).

170.2 To monitor staff activity and ensure that adequate controls are in place for costs such as sickness, overtime, training and temporary staff.

170.3 To ensure that the Council's staffing budget is not exceeded without due authority, and that it is managed to deliver planned service standards.

~~170.4 To ensure that the Service Director – Shared Services and Customer Support advises the Chief Finance Officer when the staffing budget is likely to be materially over, or under spent.~~

FINANCIAL SYSTEMS, DELEGATIONS AND PROCEDURES

GENERAL

Why is this important?

171. ~~Departments~~**Service areas** have many systems and procedures relating to the control of Council assets, including purchasing, costing and management systems, and are increasingly reliant on computers for their financial management information.
172. The information held must therefore be accurate and systems and procedures sound and well administered, and they should contain controls to ensure that transactions are properly processed and errors detected promptly.

Key controls

173. The key controls for systems and procedures are:
 - 173.1 Data and information exists to enable the Council's objectives, targets, budgets and plans to be properly formulated.
 - 173.2 Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
 - 173.3 Early warning is provided of deviations from targets, plans and budgets that require management attention.
 - 173.4 Operating systems and procedures are secure.
174. ~~220.~~—The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes to existing arrangements.

Responsibilities of the Section 151 Officer: Procedures

- ~~221.~~**175.** It is the responsibility of the Chief Finance Officer ~~To~~ to make arrangements for the proper administration of the Council's financial affairs, including:
 - ~~175.1~~ Issuing advice, guidance and procedures for officers and others acting on the Council's behalf.
175.1
 - 175.2 Determining the Council's accounting systems, form of accounts and supporting financial records.
 - 175.3 Establishing arrangements for audit of the Council's financial affairs.
 - 175.4 Approving any new financial systems.
 - 175.5 Approving any changes to be made to existing financial systems.

~~Responsibilities of Corporate Directors:~~

It is the responsibility of the Directors:

~~176.1~~ 176.1 To comply with such directions as the Chief Finance Officer may issue regarding the use and operation of financial information and accounting systems.

~~175.6~~ 176.2 To ensure that accounting records are properly maintained and held securely.

~~175.7~~ 176.3 To ensure that all documents which support financial transactions are retained in accordance with the Council's document retention policy, except in circumstances approved by the Chief Finance Officer.

~~175.8~~ 176.4 To ensure that a complete audit trail is maintained allowing financial transactions to be traced from the accounting records to the original document, and vice versa.

~~175.9~~ 176.5 To incorporate appropriate controls to ensure that, where relevant:

- All input is genuine, complete, accurate, timely and not previously processed.
- All processing is carried out in an accurate, complete and timely manner.
- Output from the system is complete, accurate and timely.

~~175.10~~ 176.6 To ensure that the organisational structure provides an appropriate segregation of duties, and provides adequate internal controls so as to minimise the risk of fraud or other malpractice.

~~175.11~~ 176.7 To ensure that there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

~~175.12~~ 176.8 To ensure that systems are documented and staff trained in operations, and consult with the Chief Finance Officer before changing any existing system, or before introducing a new system.

~~175.13~~ 176.9 To establish a scheme of sub delegation identifying officers authorised to act upon the ~~Corporate~~ Director's behalf in respect of

payments, income collection and placing orders, including variations, and showing the limits of their authority.

~~175.14~~ 176.10 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Finance Officer ~~and the Service Director – Shared Services and Customer Support~~, together with any subsequent variations.

~~175.15~~ 176.11 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.

~~175.16~~ 176.12 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.

~~175.17~~ 176.13 To ensure that relevant standards and guidelines for computer systems issued and observed.

176.14 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

~~175.18-~~

~~175.19-~~

~~175.20 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:~~

~~175.21-~~

~~175.22 Only software legally acquired and installed by the Council is used on its computers.~~

~~175.23-~~

~~175.24 Staff are aware of legislative provisions.~~

~~175.25-~~

~~175.26 In developing systems, due regard is given to the issue of intellectual property rights.~~

~~175.27-~~

~~175.28~~ 176.15 ~~237. — TI~~ To comply with the Council's Anti Money Laundering Policy and any guidance issued by the Chief Finance Officer.

INCOME AND EXPENDITURE

~~176 — Why is this important?~~

~~177 —~~

~~178~~ 176 ~~Income is potentially a high risk asset, and e~~ Effective income collection systems are necessary to ensure that all income due is identified, collected received and banked properly.

~~179~~177 It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow, and also avoids the time and cost of administering debts.

Key controls

~~180~~178 ~~240.~~—The key controls for income are:

~~175.29~~179.1 All income due to the Council is identified and charged correctly, and in accordance with approved charging policies, and that all such policies are regularly reviewed.

~~175.30~~179.2 All income is collected from the correct person, at the right time, using the correct procedures and is properly allocated.

~~175.31~~179.3 All cheques received in payment are made payable to Wiltshire Council.

~~175.32~~179.4 Council incomes should never be used to cash personal cheques or support other payments.

~~175.33~~179.5 All monies received by an employee on behalf of the Council are paid without delay ~~to the Chief Finance Officer as directed~~ into the appropriate account, and is 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.

~~175.34~~179.6 Effective action is taken to pursue non-payment within defined timescales in accordance with the Council's Debt Recovery policy.

~~175.35~~ Write-off action is taken only in accordance with the Council's write-off procedures, including obtaining

~~175.36~~ Formal approval and ensuring for debt write-off is obtained in accordance with the Council's write-off procedures.

~~175.37~~

~~175.38~~ Write-off action is taken only in accordance with the Council's write-off procedures.

~~175.39~~179.7 Appropriate accounting adjustments are made following write-off action ~~in accordance with the Council's Write-Off procedures.~~

~~175.40~~179.8 All income related documents are retained and stored for the defined period in accordance with the document retention schedule.

~~175.41~~179.9 All monies collected and deposited are regularly reconciled to the Council's Bank accounts by a person who is not involved in the collection or banking process.

Procedure

180. It is the responsibility of the Chief Finance Officer:

~~175.42~~180.1 To determine the procedures, systems, form of documentation and all arrangements necessary for the collection of all incomes due to the Council.

~~175.43~~180.2 To order and supply to ~~departments~~ all service areas ~~all~~ with of financial stationery, and to regulate the arrangements for the control and storage of all such documents.

~~175.44~~180.3 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly in accordance with the Corporate Debt Recovery Policy.

~~175.45~~180.4 To maintain a Corporate Debt Recovery Policy that incorporates write-off procedures and limits which are updated as and when required.

~~175.46~~180.5 In accordance with the statutory requirements contained within the Money Laundering Regulations 2007 to:

- Produce an anti-money laundering and counter terrorist financing policy.
- To implement customer due diligence procedures (procedures to verify the customer's identity before entering into a business relationship or transaction).
- Establishing and maintaining appropriate risk-sensitive policies and procedures.
- Ensuring employees are trained in and implement those procedures and are aware of the law relating to money laundering and terrorist financing.
- Appointing a nominated or money laundering reporting officer (MLRO) (The Council's Chief Finance Officer is the MLRO), to receive and make suspicious activity reports to the Serious Organised Crime Agency (SOCA).

~~Responsibilities of Corporate Directors~~

181. It is the responsibility of the Directors:

~~175.47~~181.1 To establish a charging policy for the supply of goods or services (including the appropriate level charging of VAT), and to review it regularly, in consultation with the Chief Finance Officer and in accordance with corporate policies.

~~175.48~~181.2 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

~~175.49~~181.3 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly in accordance with the Council's Corporate Debt Recovery Policy.

~~175.50~~181.4 ~~To ensure that no amount due to the Council, once correctly established, is discharged other than by full payment, or by write-off in accordance with the Council's Corporate Write-Off policy, or by resolution of Cabinet. [delete]~~

~~175.51~~181.5 To ensure that all financial stationery is in a form agreed by the Chief Finance Officer. No officer should give a receipt for money received on behalf of the Council in any form other than an official receipt form.

181.6 To ensure that at least two employees are present when post is opened, and that all monies received by post are properly identified and recorded and are securely kept.

~~175.52~~181.7 ~~To ensure, and~~ that only levels of cash below the approved maximum limit as set by the Chief Finance Officer are held on the premises.

~~175.53~~181.8 To hold securely receipts, tickets and other financial records of income for the appropriate period, as determined by the Council's Document Retention policy.

~~175.54~~181.9 To ensure that incomes are fully and promptly paid into the appropriate Council bank account in the form in which it is received, and that details are recorded as directed by the Chief Finance Officer in order to provide an audit trail. All monies collected and deposited must be reconciled to the bank account on a regular basis.

~~175.55~~181.10 To supply the ~~Service Director—Shared Services and Customer Support~~ Associate Director, People and Business Services with details relating to work done, goods supplied, services rendered or other amounts due, to ensure that all sums owed to the Council are recorded correctly and that accounts are sent out promptly.

~~175.56~~181.11 ~~Corporate Directors should use E~~established performance management systems to monitor recovery of income and identify areas of concern to the Chief Finance Officer.

~~175.57~~181.12 ~~Corporate Directors have a responsibility t~~o assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf in accordance with the Corporate Debt Recovery policy.

~~175.58~~181.13 To recommend to the Chief Finance Officer all debts to be written off, and to keep a record of all sums written off up to the approved limit in accordance with the Council's Write-Off policy.

~~175.59~~181.14 Once raised no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

~~175.60~~ To obtain either the approval of the Chief Finance Officer when writing off debts in excess of the approved limit, or the approval of the Cabinet if and when required.

181.15 To notify the Chief Finance Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Finance Officer.

~~180~~.182. Under no circumstances should an amount of cash in excess of £2,500 be received by anyone on behalf of the Council in payment for any goods or services supplied or provided to any customer of the Council except in circumstances approved by the Chief Finance Officer, as such acceptance could have serious implications under the legislation governing the criminal activity of money laundering.

Ordering and Paying For Work, Goods and Services

Why is this important?

~~181.~~183. Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council has a statutory duty to achieve best value through economy and efficiency, and ~~b~~Best ~~v~~Value principles should underpin the Council's approach to procurement.

~~182.~~184. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements, and these procedures should be read in conjunction with the Council's Procurement and Contract Regulations-Rules which form part of its Constitution.

~~183.~~185. Every officer and member of the Council has a responsibility to declare any links or personal interests that they, or any person living with them or any close member of their family, may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.

~~184.~~186. Official orders must be in a form approved by the Chief Finance Officer, and must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Finance Officer.

~~185. Each order must conform to the guidelines approved by the Chief Finance Officer.~~

~~186. Standard terms and conditions must not be varied without the prior approval of the Chief Finance Officer.~~

187. The normal method of payment from the Council shall be by BACS, cheque or other instrument approved by the Chief Finance Officer except for in relation to ~~Apart from~~ petty cash, schools' own bank accounts and other payments from advance accounts, ~~the normal method of payment from the Council shall be by BACS, cheque or other instrument approved by the Chief Finance Officer.~~

188. The Any use of Direct Debits, Standing Orders and CHAPS will and electronic payments through HSBC requires the prior agreement approval of the Chief Finance Officer.

189. Advances for the purpose of defraying certain expenses may be made in accordance with arrangements agreed by the Chief Finance Officer.

190. Officers receiving advances shall observe procedures and maintain records as determined by the Chief Finance Officer. ~~and maximum limits for cash holdings shall be agreed with the Chief Finance Officer, and must not be exceeded without the Chief Finance Officer's permission.~~

190.191. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

191.192. ~~Purchasing~~ Officers can be issued with a ~~p~~Purchase ~~c~~Card with the authority of the ~~Corporate Director~~Chief Finance Officer, for use in accordance with procedures laid down by the Chief Finance Officer.

Key Controls

192.193. ~~274.~~—The key controls for ordering and paying for work, goods and services are:

193.1 Goods and services can only be ordered by authorised persons and must be correctly recorded.

193.2 All goods and services should be ordered in accordance with the Council's ~~code of practice for tenders and contracts unless they are purchased from sources within the Council.~~Procurement and Contract Rules.

193.3 Goods and services received must be checked to ensure they are in accordance with the order, and goods should not be received by the person who placed the order.

193.4 Payments should not be made unless goods have been received by the Council to the correct price, quantity and quality standards.

193.5 All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.

193.6 All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the Document Retention policy.

193.7 All expenditure, including VAT is accurately recorded and allocated.

193.8 Processes are in place to maintain the security and integrity of electronic transactions.

Responsibilities of Chief Finance OfficerProcedures

194. It is the responsibility of the Chief Finance Officer:

~~192.4~~194.1 To ensure that all the Council's financial systems and procedures are sound and properly administered, and to approve any changes to existing financial systems and to approve any new systems before they are introduced.

~~192.2~~194.2 To approve the form of official orders, and all associated terms and conditions.

~~192.3~~194.3 Cheques on the Council's bank accounts must be ordered by the Chief Finance Officer who should also make arrangements for their safe custody.

~~192.4~~194.4 To make payments from the Council's funds for all properly authorised expenditure that has been duly incurred in accordance with financial procedures ~~in the most economic way.~~

~~192.5~~194.5 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.

~~192.6~~194.6 To make payments to contractors on the certificate of the appropriate ~~Corporate~~ Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

~~192.7~~ To ensure, where appropriate, that a budgetary control system is established that enables ~~commitments incurred by placing~~ orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

194.7

Responsibilities of Corporate Directors

195. It is the responsibility of the Directors:

~~192.8~~195.1 ~~282.~~—To ensure that official orders, ~~as approved by the Chief Finance Officer,~~ are used for all goods and services, other than the following exceptions:

- For supplies of utilities, periodic payments such as rent or rates,
- ~~or~~ Purchase ~~c~~Gard or petty cash purchases ~~or~~
- ~~or~~ other exceptions specified by the Chief Finance Officer.

~~192.9~~195.2 To ensure that orders are only used for goods and services provided to the ~~department or section~~Council. Individuals must not use official orders to obtain goods or services for their private use.

~~192.10~~195.3 To ensure that only ~~those staff~~ duly authorised staff sign orders, and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority.

~~192.11~~195.4 To ensure that the authoriser of the order is satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision available, and that quotations or tenders have been obtained if necessary.

~~192.12~~195.5 To follow ~~b~~Best ~~v~~alue principles that underpin the Council's approach to procurement to ensure that value for money is always achieved.

195.6 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, and entries should then be made in inventories or stores records as appropriate.

~~192.13~~195.7 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, after confirming:

- Receipt of goods or services.
- That the invoice has not previously been paid.
- That expenditure has been properly incurred and is within budget provision.
- That prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices.
- Correct accounting treatment of tax (e.g. VAT and Construction Industry Tax).
- That the invoice is correctly coded.
- That discounts have been taken where available.
- That appropriate entries will be made in accounting records.

~~195.8~~ To ensure that at least two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.

~~192.14 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Finance Officer.~~

~~192.15~~195.9 To ensure that payments are not made on a photocopied, e-mailed or faxed invoice, statement or other document other than the formal invoice. Where in exceptional circumstances this is impossible, the ~~Corporate~~ Director will ensure that the payment has not already been made and certify the invoice accordingly.

~~192.16~~195.10 To encourage suppliers of goods and services to receive payment by the most economical means for the Council (~~g~~Guidance on appropriate payment methods is obtainable from ~~the Shared Services Team (Exchequer).~~Business Services. It is essential, however, that payments made by direct debit have the prior approval of the Chief Finance Officer.

~~192.17~~195.11 To ensure that the Council 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 Chief Finance Officer, which are in line with best value principles and contained in the Council's Procurement and Contract Procedure Rules.

~~192.18 To utilise any central purchasing procedures established by the Chief Finance Officer in putting purchases, where appropriate, out to competitive quotation or tender in accordance with the Council's Contract Regulations.~~

~~To ensure that employees are aware of the provisions of any national or local code of conduct for employees adopted by the Council.~~

~~195.12 Corporate Directors~~To ensure officers should do not enter into any form of credit arrangement (for example hire purchase or finance leasing agreements), ~~other than the Council's standard payment terms of 28 days,~~ without the prior agreement of the Chief Finance Officer.

~~Following approval who must then be provided with~~ a copy of the signed agreement should be sent to the Chief Finance Officer.

~~192.19~~195.13 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 Council's accounts closedown timetable determined by the Chief Finance Officer.

~~192.20~~195.14 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 Construction Industry Tax status.

~~192.21~~195.15 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.

~~192.22~~195.16 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Document Retention policy.

~~192.23~~195.17 To ensure prompt processing of purchase invoices within agreed payment terms.

Contracts and procurement

~~193.~~—All procurements and contracts made on behalf of the Council shall be subject to the Council's Procurement and Contract Regulations ~~rules~~. The financial basis of the contract (for example, fixed price) should be established prior to any procurement process and

~~194.~~—

~~195.~~—The basis of the contract, i.e., whether fixed price or subject to a rise and fall clause, should be established before the tender is invited. The forms of contract used must be agreed with the Head of Democratic and Legal Services and the Chief Finance Officer.

~~196.~~—

~~197.~~196. Where appropriate, advice on the financial clauses of contracts should be obtained from the Chief Finance Officer ~~before contracts are entered into.~~

~~198.~~197. The ~~Head of Legal Democratic and Democratic Services~~ Associate Director, Legal and Governance and Chief Finance Officer may require that a contract includes a performance bond, or a parent company guarantee.

~~199.~~198. ~~The process for tender acceptance is set out in the Contract Procedure Rules and~~Any tender should comply with~~provides for~~ the following:

~~199.1~~198.1 Is within an approved budgetary provision whether of a capital or revenue nature; and

~~199.2~~198.2 Has received any necessary Government approvals.

~~199.3~~198.3 If from an external organisation, and if over £250,000 in value and if relating to building and constructional works is the subject of a satisfactory performance bond.

~~200.~~199. In the event of a delay on the completion of a contract that is attributable to the contractor, and where the contract provides for it, the Council's ~~supervising officer, for the contract~~ shall give the contractor notice that the Council may claim liquidated damages in respect of such delay, in accordance with the terms of the contract.

~~201.~~200. Such liquidated damages should only be deducted after consultation with the ~~Head of Democratic and Legal Services~~Associate Director, Legal and Governance, and upon the instructions of the Cabinet where necessary.

~~202.~~201. Claims received from contractors which are likely to cause the approved expenditure limit for the contract to be exceeded must be referred to the ~~Head of Democratic and Legal Services~~Associate Director, Legal and Governance for consideration of the Council's legal liability if they are likely to lead to arbitration, and the Chief Finance Officer for financial consideration before settlement is reached.

~~203.~~202. A subcontractor must not be engaged on a building contract; no matter how small the works are, unless the subcontractor holds a valid Inland Revenue card or certificate.

~~Responsibilities of the Chief Finance Officer~~Procedure

~~204.~~203. The Chief Finance Officer shall examine the systems of control and the monitoring procedures for all types of contract as deemed appropriate to ensure the security and effectiveness of the arrangements.

~~Responsibilities of Corporate Directors~~

204. It is the responsibility of the Directors:

204.1 To ensure that only those ~~staff officers authorised to do~~ so under a scheme of sub delegation, -identifying in each case the limits of their authority, authorised sign contracts; ~~and to retain and to maintain an~~

~~up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority of each authorised officer.~~

204.2 ~~To contact Associate Director, People and Business Services to arrange for suitable cover w~~where the Council is the contractor and the contract requires that the Council provides Performance Indemnity Insurance, ~~the Corporate Director concerned must contact the Chief Finance Officer to arrange for suitable cover.~~

204.3 ~~Corporate Directors should~~To ensure a register of contracts is maintain~~ed a register of all contracts.~~

204.4 ~~To prepare and keep evidence of contract progress, and of any authorised additions or variations to the contract w~~where a contract is payable by instalments, ~~the Corporate Director concerned should prepare and keep evidence of contract progress, and of any authorised additions or variations to the contract.~~

~~204.5 The Corporate Director concerned is responsible for the~~To compilation of the final account and ~~authorisation~~authoriseof the final payment to ~~the a~~ contractor. ~~Where required, Th~~ the final certificate on a contract or accepted estimate should be issued by the ~~Corporate~~ Director or a duly authorised officer in accordance with the contract, after the production by the contractor of a detailed final account together with supporting documentation.

~~204.6~~

~~204.7~~204.5 The Chief Finance Officer may inspect such documents prior to making the payment under the terms of the contract.

~~204.8~~204.6 To make Ppayments to contractors on account for building or construction~~al~~ contracts should be made only by a certificate issued by the appropriate ~~Corporate~~ Director, detailing the total amount of the contract, the value of the work executed to date, retention monies, the amount paid to date and the amount now certified.

~~204.9~~204.7 To ensure that the Council is provided with reasonable access to all documentation In the case of Councilrelating to construction and maintenance contracts that are supervised and managed by third parties, ~~the agreement with the third party should ensure that the Council is provided with reasonable access to all related documentation.~~

~~204.10~~ — ~~The final certificate should not be issued until the Corporate Director concerned has examined supporting documentation and has authorised payment.~~

~~204.11~~204.8 ~~The appropriate Corporate Director should o~~ notify Associate Director, People and Business Services ~~the Chief Finance Officer~~ of all contracts for building works for new premises, alterations or extension to existing premises, in order that insurance cover may be obtained for buildings in the course of construction.

Payments to Employees and Members

Why is this important?

205. It is important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment.
206. 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 Council.

Key controls

207. The key controls for payments to employees and members are that proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
- Starters
 - Leavers
 - Variations and enhancements

Procedure Responsibilities of the Service Director – Shared Services and Customer Support

208. It is the responsibility of the Associate Director, People and Business Services:

~~207.1~~208.1 To ensure that adequate and secure arrangements are made for the reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with agreed procedures, on the due date.

~~207.2~~208.2 To ensure that proper arrangements are made for the accurate and timely payment of tax, superannuation and other deductions.

~~207.3~~208.3 To ensure that proper arrangements are made for payment of all travel and subsistence claims, and any financial loss allowance.

~~207.4~~208.4 To ensure that proper arrangements are made for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

~~207.5~~208.5 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of Corporate Directors

209. It is responsibility of the Directors:

~~207.6~~209.1 To ensure appointments are made in accordance with the Council's regulations approved establishments, grades and scale of pay and that an adequate budget provision is available.

~~207.7~~209.2 All time records and other pay documents should be maintained in the Council's agreed format.

~~207.8 Corporate Directors should maintain an up-to-date list of authorised officers, supported by specimen signatures.~~

~~207.9~~ To ensure that all claims for any allowances and expenses (including payment of car allowances, subsistence allowances, travelling and incidental expenses) comply with procedure notes guidance issued by the Service Director – Shared Services and Customer Support Associate Director, People and Business Services. To certify claims to demonstrate they were properly and necessarily incurred and are paid using the payroll system. -

209.3

~~To ensure that all such claims are in a form agreed by the Service Director – Shared Services and Customer Support, and approved by the Chief Finance Officer, and are made up to a specified day each month and submitted promptly to the Corporate Director concerned.~~

~~207.10~~209.4 To notify the Associate Director, People and Business Services. Service Director – Shared Services and Customer Support of all appointments, terminations or variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Associate Director, People and Business Services. Service Director – Shared Services and Customer Support.

~~207.11~~209.5 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.

~~208. To send an up-to-date list of the names of officers authorised to sign records to the Service Director – Shared Services and Customer Support, together with specimen signatures.~~

~~208.1 To ensure that payroll transactions, including claims for travel, subsistence and other out of pocket expenses, are processed only through the approved payroll system.~~

~~208.2~~209.6 ~~Corporate Directors should~~To give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis and seek advice from the Associate Director, People and Business Services. The Inland Revenue applies a tight definition for employee status, ~~and in cases of doubt, advice should be sought from the Service Director – Shared Services and Customer Support.~~

~~208.3 To certify travel and subsistence claims and other allowances, to demonstrate that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council.~~

~~208.4~~209.7 To ensure that due consideration is given to potential tax implications relating to claims for allowances and expenses and that advice is sought from the Associate Director, People and Business Services~~Service Director – Shared Services and Customer Support~~, and/or the Chief Finance Officer when appropriate. ~~Corporate~~The Directors shall also be also responsible for ~~the~~ checking of the the arithmetical accuracy of ~~the~~ claims.

~~208.5~~209.8 To ensure that the Associate Director, People and Business Services~~Service Director – Shared Services and Customer Support~~ is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

~~208.6~~209.9 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention schedulepolicy.

Responsibilities of Members

~~209.210.~~ It is the responsibility of the members of the Council ~~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?~~

~~210.211.~~ The Council is responsible for ensuring its tax affairs are in order, and as 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

~~211.212.~~ The key controls for taxation are:

~~211.4212.1~~ Budget managers are provided with relevant information and kept up to date on tax issues.

~~211.2 Budget managers are instructed on required record keeping.~~

~~211.3212.2~~ All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.

~~211.4212.3~~ Records are maintained in accordance with instructions.

~~211.5212.4~~ Returns are made to the appropriate authorities within the stipulated timescale.

~~Responsibilities of the Chief Finance Officer and Service Director – Shared Services and Customer Support Procedure~~

~~212.213.~~ The ~~Service Director – Shared Services and Customer Support~~ Associate Director, People and Business Services is responsible for the compilation of all Inland Revenue returns regarding PAYE, and the Chief Finance Officer for certifying all such returns.

~~213.214.~~ It is the responsibility of the Chief Finance Officer to complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

~~214.215.~~ It is the responsibility of the Associate Director, People and Business Services ~~Chief Finance Officer, where appropriate,~~ to provide details to the Inland Revenue regarding the construction industry tax (CIT) deduction scheme.

~~215.2~~216. The Chief Finance Officer will maintain up-to-date guidance for Council employees on taxation issues e.g. VAT and CIT.

~~Responsibilities of Corporate Directors~~

217. It is the responsibility of the Directors:

~~215.4~~217.1 To ensure 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.

~~215.2~~217.2 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

~~215.3~~217.3 To ensure that all persons employed by the Council are added to the Council'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.

~~215.4~~217.4 To follow taxation guidance issued by the Chief Finance Officer.

TRADING ACCOUNTS AND BUSINESS UNITS

~~216.2~~218. Trading accounts are important in areas where authorities are involved in commercial activity, and the Council maintains trading accounts for services provided on a basis other than straightforward recharge of cost, such as quoted price or schedule of rates.

~~Responsibilities of the Chief Finance Officer~~Procedure

~~217.2~~219. It is the responsibility of the Chief Finance Officer To provide advice on the requirement for trading accounts and business units.

~~Responsibilities of Corporate Directors~~

220. It is the responsibility of the Directors:

~~217.4~~220.1 To consult with the Chief Finance Officer and ~~Head of Legal and Democratic Services~~Associate Director, Legal and Governance where a trading business unit wishes to enter into a contract with a third party.

~~217.4~~220.2 To observe all statutory requirements in relation to trading accounts and business units, including the maintenance of a separate revenue account to which all relevant income, expenditure, and overheads should be charged.

~~217.2220.3~~ To ensure that the Council's accounting principles are applied in relation to trading accounts.

~~217.3220.4~~ To ensure that each trading area or business unit, prepares a comprehensive annual business plan.

EXTERNAL ARRANGEMENTS

PARTNERSHIPS

Why is this important?

221. Partnerships play an increasingly important role in the delivery of locally developed community strategies, and the Council works closely with public agencies, private companies, community groups and voluntary organisations.

222. Partnerships as defined in Procurement and Contract Rules should comply with the key controls and be administered in accordance with Procurement and Contract Rules.

~~361.~~ The main reasons for entering into a partnership are:

~~362.1~~ The ability to access new resources.

~~362.2~~ To provide new and better ways of delivering services.

~~362.3~~ To forge new relationships.

~~362.4~~ The desire to find new ways to share risk.

~~362.5~~ A partner is defined as either:

- ~~○ An organisation (private or public) undertaking, part funding or participating as a beneficiary in a project, or~~
- ~~○ A body whose nature or status gives it a right or obligation to support the project.~~

~~363.~~ Partners participate in projects by:

~~363.1~~ Acting as a project deliverer or sponsor, solely or together with others.

~~363.2~~ Acting as a project funder or part funder.

~~363.3~~ Being the beneficiary group of the activity undertaken in a project.

~~364. Partners have common responsibilities:~~

~~364.1 To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation.~~

~~364.2 To act in good faith at all times and in the best interests of the partnership's aims and objectives.~~

~~364.3 Be open about any conflict of interests that might arise.~~

~~364.4 To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.~~

~~364.5 To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.~~

~~364.6 To act wherever possible as ambassadors for the project.~~

Key controls

~~218. 365.~~ The key controls for financial authority partners are partnerships:
223.

223.1 These partnerships are expected to adopt follow, in so far as possible, the Council's Financial Rules and Regulations, where appropriate, or an equivalent version approved by the Chief Finance Officer.

~~218.4~~223.2 To ensure the partners be are aware of their responsibilities under the Council's Financial Rules and Procedures ~~financial regulations~~ and the ~~code of practice on tenders and contracts where appropriate~~ Procurement and Contracts Rules.

~~218.2~~223.3 To ensure that risk management processes are in place to identify and assess all known risks.

~~218.3~~223.4 To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.

~~218.4~~223.5 To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.

~~218.5~~223.6 To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

366. ~~Partnerships are expected to adopt the Council's Financial Regulations, where appropriate, or an equivalent version approved by the Chief Finance Officer.~~

Responsibilities of the Chief Finance Officer Procedures

224. It is the responsibility of the Chief Finance Officer To advise on effective controls that will ensure that resources are not wasted and to provide advice on the key elements of funding a project including:

224.1 Scheme appraisal for financial viability in both the current and future years.

~~218.6~~224.2 Risk appraisal and management.

~~218.7~~224.3 Resourcing, including taxation issues.

~~218.8~~224.4 Audit, security and control requirements.

~~218.9~~224.5 Carry-forward arrangements.

225. It is the responsibility of the Directors:

~~218.10 Responsibilities of Corporate Directors:~~

~~218.11~~

~~218.12~~225.1 To ensure compliance with the Procurement and Contract Rules and other any relevant Codes of Practice or Partnership Pprotocols, in particular, obtaining prior agreement from the Cabinet and the Chief Finance Officer where the Council takes on the role of Accountable Body as required under certain grant conditions, and to obtain advice on the legal and taxation consequences before setting up any partnership/joint venture arrangements with outside bodies.

~~218.13~~225.2 To maintain a partnership register ~~of all contracts entered into with external bodies in accordance with procedures specified by the Chief Finance Officer.~~

~~218.14~~225.3 To ensure that, before entering into partnership agreements with external bodies, a risk management appraisal has been prepared for the Chief Finance Officer.

~~218.15~~225.4 To ensure that such partnership agreements and arrangements do not impact adversely upon the services provided by the Council.

~~218.16~~225.5 To ensure that partnership agreements and arrangements are properly and fully documented.

~~218.17~~225.6 To provide appropriate information to the Chief Finance Officer regarding partnership agreements to enable a note to be entered into the Council's statement of accounts concerning material items.

EXTERNAL FUNDING

Why is this important?

~~219.226.~~ 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 Council.

~~220.227.~~ Local authorities are increasingly encouraged to provide joint service delivery through working closely with other agencies and private service providers.

~~221.228.~~ Funds from external agencies, such as English Heritage and the European Commission, provide additional resources to enable the Council to deliver services to the local community.

Key controls

~~222.229.~~ The key controls for external funding are:

~~222.1~~229.1 Ensuring that key conditions of funding and any statutory requirements are complied with, and that the responsibilities of the accountable body are clearly understood.

~~222.2~~229.2 Ensuring that funds are acquired only to meet the priorities approved in the policy framework by the Council.

~~222.3~~229.3 Ensuring that any match-funding requirements are given due consideration prior to entering into long term agreements and that future revenue budgets reflect these requirements.

ProcedureResponsibilities of the Chief Finance Officer

230. It is the responsibility of the Chief Finance Officer:

~~222.4~~230.1 To ensure that funding from external bodies is received, and properly recorded in the Council's accounts.

~~222.5~~230.2 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

~~222.6~~230.3 To ensure that audit requirements are met.

~~222.7~~230.4 To ensure that all grant claims are submitted correctly and on time.

~~222.8~~230.5 To ensure that terms and conditions of any grant offers are ~~fully~~ complied with.

Responsibilities of Corporate Directors

231. It is the responsibility of the Directors:

~~222.9~~231.1 To ensure that all claims for funds are made by the due date.

~~222.10~~231.2 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

~~222.11~~231.3 To ensure that both revenue and capital resources are available for any match-funding requirements together with the revenue consequences of capital schemes.

~~222.12~~231.4 To ensure the terms and conditions of any grant offer are complied with.

WORK FOR THIRD PARTIES

Why is this important?

~~223.~~232. Legislation enables the Council to provide a range of services to other bodies, and such work may enable services to benefit from economies of scale.

~~224.~~233. Arrangements should be in place to ensure that any risks associated with this work is minimised, and that the Council has the legal powers to enter into such arrangements.

Key controls

~~225.~~234. The key controls for working with third parties are:

~~225.1~~234.1 To ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance Officer.

~~225.2~~234.2 To ensure that contracts are drawn up using guidance provided by the ~~Head of Legal and Democratic~~

Services Associate Director, Legal and Governance and the Chief Finance Officer, and that the formal approvals process is adhered to.

~~225.3~~234.3 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Finance Officer Procedure

~~226.2~~235. It is the responsibility of the Chief Finance Officer To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Corporate Directors

236. It is the responsibility of the Directors:

~~226.4~~236.1 To ensure that approval is obtained before any negotiations are concluded to work for third parties in respect of amounts in excess of £100,000 as follows:

- Amounts between £100,000 and £250,000 must be approved by the relevant Portfolio Holder and must be reported to the Cabinet.
- Amounts over £250,000 must have the approval of the Cabinet.

~~226.2~~236.2 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Finance Officer.

~~226.3~~236.3 To ensure that appropriate insurance arrangements are made.

~~226.4~~236.4 To ensure the Council's risk to "bad debts" is minimised.~~[delete]~~

~~226.5~~236.5 To ensure that no contract is subsidised by the Council other than as conscious decision to contribute towards a partnership or corporate priority, and with the approval of the Chief Finance Officer.

~~226.6~~236.6 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

~~226.7~~236.7 To ensure the department/unit/service area has the appropriate expertise to undertake the contract.

~~226.8~~236.8 To ensure that such contracts do not impact adversely upon the services provided for the Council.

~~226.9~~236.9 To ensure all contracts are properly documented.

~~226.10~~236.10 To provide information as required by the Chief Finance Officer so that a note detailing the arrangement can be added to the Council's accounts ~~if deemed necessary~~.

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