

# Financial Regulations & Scheme of Delegation for Financial Management

Draft

Cabinet – 24<sup>th</sup> January 2017



Essex County Council

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## **Part 1 – Financial Regulations**

## 1. Introduction

### 1.1. Context

These Financial Regulations set out the financial policies and the framework for managing the Council's financial affairs.

The Regulations are organised around seven themes, as follows:

- (i) [Financial planning](#) (see Section 3)
- (ii) [Financial management](#) (see Section 4)
- (iii) [Accounting records and financial systems](#) (see Section 5)
- (iv) [Risk management and internal control](#) (see Section 6)
- (v) [Control of resources](#) (see Section 7)
- (vi) [Income and expenditure](#) (see Section 8)
- (vii) [External arrangements](#) (see Section 9)

They seek to ensure that the Council conducts its affairs in a way that complies with specific statutory provisions, generally accepted accounting principles and professional good practice.

Officers and Members are authorised to make decisions in accordance with these Financial Regulations, but they do not authorise any person to make a decision which is contrary to any provision in the [Constitution](#).

### 1.2. Financial responsibilities

An overview of the financial responsibilities of the Council, the Cabinet, various Committees, the Chief Executive, the Executive Director, Corporate Services, other Executive Directors, and the Monitoring Officer is provided in **Section 2** of the Financial Regulations. Specific responsibilities are explained, in context, throughout the Financial Regulations.

The Executive Director, Corporate Services is the Council's Responsible Finance Officer under Section 151 of the Local Government Act 1972, and is responsible for maintaining a continuous review of the Financial Regulations and for updating them, as necessary, for Council to approve. The Executive Director, Corporate Services is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Cabinet and/or to the Council.

## 1.3. Advice and guidance to underpin Financial Regulations

The Executive Director, Corporate Services will, from time to time, issue advice, guidance and accounting instruction notes to underpin the Financial Regulations, ensure compliance with specific statutory provisions and reinforce best professional practice. Members, officers and others acting on behalf of the Council are required to comply with such advice and guidance.

## 1.4. Compliance

All financial and accounting procedures must be carried out in accordance with the Financial Regulations and with any accounting instruction notes and other corporate guidance issued by, or on behalf of, the Executive Director, Corporate Services.

Executive Directors will ensure that their staff are aware of the existence, and content, of the Council's Financial Regulations, accounting instruction notes and other corporate guidance, and ensure compliance with them.

Non-compliance with these Financial Regulations, and with any accounting instruction notes and other corporate guidance issued by the Executive Director, Corporate Services, constitutes a disciplinary matter that will be pursued, as appropriate, in accordance with the [Disciplinary Policy](#).

## 1.5. Scope of the Regulations

The Financial Regulations, including advice, guidance and accounting instruction notes issued to underpin the Financial Regulations, apply to all services of the Council.

Whilst Schools have their own Financial Regulations, some specific references are made to schools' operations within these Regulations (i.e. where particular responsibilities are placed upon Council officers that are not employed within schools and upon Members of the Council). Advice and guidance given to schools by the Council's officers will not be contrary to the Council's own Financial Regulations.

## 1.6. Scheme of Delegation for Financial Management

The Scheme of Delegation for Financial Management, as set out within Part Two of this document, defines how the responsibilities set out within the Financial Regulations are reserved or delegated to officers. This has to be read in conjunction with the general scheme of delegation to Officers which is set out in the [Constitution](#).



## 2. Financial roles and responsibilities

### 2.1. Introduction

The roles and responsibilities of Members and Officers are set out within the Council's [Constitution](#). The purpose of the Financial Regulations is to provide an overview of the respective financial roles and responsibilities of Members and Officers within the Council. Specific financial responsibilities are set out in more detail throughout the subsequent sections of the Regulations.

### 2.2. Council

The Council is responsible for:

- (i) Adopting and changing the [Constitution](#) *(including the Financial Regulations)*, which sets out how the Council works, how decisions are made and the procedures to be followed to ensure efficiency, transparency and accountability to local people.
- (ii) Approving and adopting the policy framework which incorporates the Council's Corporate Plan and [Corporate Outcomes Framework](#) and various other plans and strategies, and is developed in line with the Council's Budget and [Code of Corporate Governance](#).
- (iii) Approving the annual budget, which includes:
  - The allocation of financial resources to different services and to capital projects, and the setting of trading activities' financial targets.
  - The level of contingency funds, reserves and balances to be held.
  - The Council Tax base and setting the Council Tax.
  - The Non-Domestic Rates tax base and setting the precept for Business Rates.
  - Decisions relating to the control of the Council's borrowing requirement, including setting of Prudential Indicators which define the parameters for borrowing activity, and the approval of the Council's Minimum Revenue Provision (MRP) policy for the repayment of debt.
  - The annual Treasury Management Strategy.
  - The annual pay policy statement.
- (iv) Making arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs.
- (v) Making arrangements for approving the statutory annual statement of accounts by dates specified by relevant regulations.

### 2.3. Cabinet

The Cabinet, under the direction and authority of the Leader, is responsible for:

- (i) The preparation of the Council's policies and budget and making recommendations on them to Council.
- (ii) Taking decisions on resources and priorities to deliver and implement the Council's policies and budget.
- (iii) Determining overall Council priorities within the Budget and the Policy Framework set by full Council, to keep under review those priorities and to approve specific plans and strategies.

### 2.4. Overview and Scrutiny Committees

The Overview and Scrutiny committees exercise the function of call-in of decisions made by Cabinet Members which fall within their remit in order to consider whether:

- (i) To refer the decision back to the person who made it; or
- (ii) To refer the matter to the full Council to decide whether to refer the decision back to the person who made it; or
- (iii) To accept that the decision is implemented.

In this context, the Corporate Scrutiny Committee is responsible for scrutinising the financial arrangements and performance of the Council, including considering the budget and accounting processes. It also contributes to the Council's objectives in relation to the overall strategic direction, policies and priorities of the Cabinet and of the Council, including the overall corporate revenue and capital budget strategy, financial resources, precepts and levies.

### 2.5. Audit Committee

The functions of the Audit Committee are set out in full in the Council's [Constitution](#). However, in summary, the Committee's responsibilities with regard to the financial management of the Council include:

- (i) Approving the Council's Annual Statement of Accounts.
- (ii) Considering the Council's arrangements for corporate governance and risk management.
- (iii) Considering and commenting on the External Auditor's Annual Audit Letter and reports about the effectiveness of the Council's financial and operational arrangements.
- (iv) Ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit is actively promoted.

- (v) All matters related to the appointment of the Council's external auditor.
- (vi) Approving the annual Internal Audit plan, and receiving reports from the Council's Internal Auditor, including the annual report of the **Head of Internal Audit**.
- (vii) Monitoring the effectiveness of the Council's Financial Regulations, [Procurement Policy and Procedures](#) and other strategies for [counter fraud and anti-bribery](#), [declarations of interest](#), [gifts and hospitality](#), [whistle blowing](#) and [anti-money laundering](#).

### 2.6. Statutory Officers

#### 2.6.1. Head of Paid Service

The **Chief Executive** is the **Head of Paid Service** and is responsible for the corporate and strategic management of the Council as a whole. The functions of the **Head of Paid Service** are explained fully in the Council's [Constitution](#).

#### 2.6.2. Responsible Finance Officer

Section 151 of the Local Government Act 1972 specifies that every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. The Council's **Executive Director, Corporate Services** is the designated officer for this purpose. The **Director for Financial Services** fulfils the role of **Section 151 Officer** in the absence of the Executive Director, Corporate Services.

Throughout the remainder of this document, where it is stated that **Section 151 Officer** approval is required, this means the **Executive Director, Corporate Services**, or the **Director for Financial Services**, when acting in the capacity of Responsible Financial Officer for the Council in the absence of the **Executive Director, Corporate Services**.

The **Section 151 Officer** has statutory duties in relation to the financial administration and stewardship of the Council that cannot be overridden. These statutory duties arise from:

- (i) Section 151 of the Local Government Act 1972 which makes the **Section 151 Officer** responsible for the proper administration of the Council's financial affairs.
- (ii) Section 114 of the Local Government Finance Act 1988 which places a duty on the **Section 151 Officer** to report to all Members of the Council if it is considered that the Council, Cabinet or an employee has made (or is about to make) a decision involving expenditure or loss which is unlawful.
- (iii) The Local Government and Housing Act 1989 which requires the **Section 151 Officer** to consult with the **Monitoring Officer** and the **Head of Paid Service** before making a Section 114 report to Council.

- (iv) The Local Government Act which requires the **Section 151 Officer** to make a report to the Council, when it is considering its budget and council tax, that addresses the robustness of the estimates and adequacy of reserves.
- (v) The Accounts and Audit Regulations, which require the **Section 151 Officer** to ensure that the accounting control systems are observed, that the accounting records are maintained in accordance with proper practices and that they are kept up to date.

In order to fulfil these statutory duties and legislative requirements the **Section 151 Officer** will:

- (vi) Set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with them.
- (vii) Determine the accounting records to be kept by the Council.
- (viii) Ensure there is an appropriate framework of budgetary management and control.
- (ix) Monitor performance against the Council's budget and advise upon the corporate financial position.
- (x) Ensure proper professional practices are adhered to and to act as Head of Profession in relation to the standards, performances and development of finance staff throughout the Council; all finance staff will have a direct reporting line to the **Section 151 Officer**.
- (xi) Prepare and publish the Council's Statement of Accounts for each financial year, in accordance with the statutory timetable and arrangements specified by law.
- (xii) Make proper arrangements for the audit of the Council's accounts.
- (xiii) Ensure that claims for funds, including grants, are made by the due date and in compliance with the grant terms and conditions.
- (xiv) Make proper arrangements for the overall management of the Council's [Internal Audit](#) function.
- (xv) Manage the [treasury management](#) activities in accordance with the Council's Treasury Management Policy Statement, Treasury Management Strategy and Prudential Indicators.
- (xvi) Manage the Pension Fund within the scope of the Local Government Pension Scheme Regulations.

## 2.6.3. Monitoring Officer

The functions of the Monitoring are explained fully in the Council's [Constitution](#). However, the functions that are pertinent in the context of the Financial Regulations include:

- (i) Reporting, after consultation with the Head of Paid Service and the Section 151 Officer, any actual or potential breaches of the law or mal-administration to the Council and/or to the Cabinet.
- (ii) Advising whether the decisions of Cabinet are in accordance with the budget and policy framework.
- (iii) Provision of advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

## 2.7. Executive Directors

Executive Directors have delegated responsibility for the management of the finances of their services.

This responsibility must be exercised within the corporate financial management framework determined by the **Section 151 Officer**, and includes:

- (i) Putting in place appropriate budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets and the operation of a system of appropriate internal controls.
- (ii) Promoting appropriate financial management standards within their Services, and monitoring adherence to the standards and practices, liaising as necessary with the **Section 151 Officer**, and ensuring that relevant training is provided to those staff with financial management responsibilities.
- (iii) Promoting sound financial practices in relation to the standards, performance and development of staff in their services.
- (iv) Advising Cabinet Members and the **Section 151 Officer** of the financial implications of all proposals.
- (v) Seeking approval, in conjunction with the **Section 151 Officer**, on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- (vi) Consulting with, and obtaining the approval of, the **Section 151 Officer** before making any changes to accounting records or procedures.
- (vii) Complying with the following principles when allocating accounting duties:



- Separating the duties of providing information about sums due to or from the Council and calculating, checking (*including reconciling the accounts*) and recording these sums from the duty of collecting or disbursing them.
- Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- (viii) Ensuring that claims for funds (*including grants and 'match funding'*) are made, in accordance with accounting instructions issued by the **Section 151 Officer** and the conditions defined by the grant awarding body, by the due date and that appropriate records are maintained.
- (ix) Contributing to the development of performance plans in line with statutory requirements.
- (x) Contributing to the development of corporate and service targets and objectives and performance information.

### 2.8. Internal Audit

Internal Audit will review, appraise and report upon:

- (i) The extent of compliance with, and effectiveness of, relevant policies, plans and procedures.
- (ii) The adequacy and application of financial and other related management controls.
- (iii) The suitability of financial and other related management data.
- (iv) The extent to which the Council's assets and interests are accounted for and safeguarded from loss of any kind from:
  - Fraud and other offences.
  - Waste, extravagance and inefficient administration.
  - Inefficient value for money or other causes.
- (v) Executive Directors' self-assessments of the status of the governance framework, including systems of internal controls in place, for each of their service areas.

Further details on the internal audit function are set out in paragraph **6.6.2**.

## 3. Financial Planning

### 3.1. Policy framework

The Council is responsible for agreeing the Council's Corporate Plan and budget. In terms of financial planning, the key elements of the Budget are the:

- (i) Revenue budget
- (ii) Capital programme
- (iii) Trading activities' financial plans
- (iv) Treasury Management, Prudential Indicators and Minimum Revenue Provision Policy
- (v) Medium term resources strategy
- (vi) Income and charging policy
- (vii) Pay policy

### 3.2. Corporate Plan

The Council's ambitions are outlined in corporate policies. At the time of writing, the highest level document is the Council's [Vision for Essex](#). A [Corporate Outcomes Framework](#) translates the Council's ambitions into a set of outcomes and supporting indicators that guide the work of commissioners across the Council. A suite of supporting [Commissioning Strategies](#) describes the activities through which the Council will secure this progress.

The [Vision for Essex](#), [Corporate Outcomes Framework](#) and [Commissioning Strategies](#) are key elements of the Council's Strategic and Resource Planning Framework – through which the Council ensures that its resources are used to secure progress against a consistent and enduring set of aspirations.

### 3.3. Revenue budget

#### 3.3.1. Revenue income and expenditure

Revenue income and expenditure represents the current or day to day running costs, and associated receipts, of the Council; including salaries, heating and lighting, travelling and office expenses, income raised by charging service users and government grants.

### 3.3.2. Revenue budget

Budgets (spending plans) ensure that the Council can plan, authorise, monitor and control the way money is allocated and spent.

The revenue budget must be constructed so as to ensure that resources are allocated in a way that reflects the service plans and priorities of the Council. The **Section 151 Officer** is responsible for developing and maintaining a resource allocation process that ensures this is achieved.

### 3.3.3. Budget preparation

The **Cabinet Member for Finance** and the **Leader**, in conjunction with the **Section 151 Officer**, will manage the preparation of the budget on an annual basis for consideration by the Council. The annual budget will include allocations to different services and projects, proposed taxation levels and contingencies.

The **Section 151 Officer**, in consultation with the **Cabinet Member for Finance**, will issue detailed guidance and a timetable for production of the budget. Executive Directors must prepare detailed draft revenue and capital budgets, in consultation with the **Section 151 Officer** and the **Cabinet Member for Finance**, and in accordance with the laid-down guidance and timetable, for consideration by the appropriate Cabinet Member.

Detailed budgets, as proposed by Executive Directors, will be subject to challenge and review through a process determined by the **Section 151 Officer**. Any proposed changes to service levels as a result of budget plans will be subject to an **Equalities Impact Assessment** as part of the consideration process before approval and implementation. The Council will engage partners in the budget preparation process where possible and appropriate.

The **Section 151 Officer** has a statutory duty to report upon the budget proposals presented to Council (see paragraph 2.6.2). Executive Directors must provide the **Section 151 Officer** with any information required to enable the robustness of the budget proposals to be assessed.

The budget and the implied level of taxation will be presented for approval by Full Council, following recommendation by the Cabinet. Council Tax and Non-domestic rates must be set by **1st March** in the year prior to the year of taxation.

### 3.3.4. Format of the budget

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate and sets the level at which funds may be reallocated within budgets (*see paragraph 4.3.3 for further details*).

### 3.3.5. Maintenance of reserves and balances

Reserves are maintained to enable the Council to cope with unpredictable financial pressures, and to plan for future spending commitments. A general reserve (*i.e. the General Balance*) is maintained as a contingency to protect the budget against cost pressures, whilst earmarked reserves are held to protect funds for specific purposes.

The creation of any reserve will be subject to the approval of the **Cabinet Member for Finance**, upon the advice of the **Section 151 Officer**. For each reserve established, the purpose, usage (*including the timeframe for usage*) and basis of transactions will be clearly articulated.

Increases in existing reserves come about through three routes:

- i) Through the budget setting process, the setting of which requires full council approval;
- ii) By returning funds previously drawn from reserves which are no longer required for the agreed purpose, which requires approval by the Section 151 Officer; and
- iii) By transfer of an under spend into reserves in accordance with the table below:

Amount	Minimum approval required
Up to and including £500,000	Director ( <i>following consultation with the <b>Budget Holder</b></i> )
In excess of £500,000, but no more than £2m	Executive Director ( <i>following consultation with <b>Section 151 Officer</b> and <b>Service Cabinet member(s)</b></i> ).
More than £2m and above, but no more than £5m	Cabinet Member for Finance ( <i>following consultation with <b>Executive Director</b>, <b>Section 151 Officer</b> and <b>Service Cabinet Member(s)</b></i> )
More than £5m	Cabinet ( <i>following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b></i> )

The withdrawal of funds from reserves is subject to approval in accordance with paragraph 4.3.4 on supplementary estimates.

The **Section 151 Officer** will advise upon prudent levels of reserves and balances for the Council, taking into account the degree of risk in the budget for the Council over the medium and longer term.

Under section 114 of the Local Government Finance Act 1988 the **Section 151 Officer** must report to Council if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the Council will not have the resources to meet its expenditure in a particular financial year.

No funds withdrawn from a reserve may be spent, other than for the purpose agreed at the time the withdrawal was approved, without the prior agreement of the **Cabinet Member for Finance**.

### 3.4. Capital financial planning

#### 3.4.1. Capital expenditure

Expenditure is classified as capital expenditure when it results in the acquisition or construction of an asset (e.g. land, buildings, roads and bridges, vehicles, plant and equipment etc.) that:

- (i) Will be held for use in the delivery of services; and
- (ii) Is expected to be used during more than one financial year.

Subsequent expenditure on existing assets is also classified as capital expenditure if these two criteria are met.

There may be instances where expenditure does not meet this definition but would nevertheless be treated as capital expenditure, including:

- (i) Where the Council has no direct future control or benefit from the resulting assets, but would have treated the expenditure as capital if it did control or benefit from the resulting assets.
- (ii) Where the Government has given explicit permission to apply capital financing resources to fund expenditure that would not otherwise meet the criteria for capitalisation (this is rare though).

The Council operates a number of de-minimis limits for capital expenditure. This means that items below these limits are charged to revenue rather than capital. The limits are currently as follows:

De-minimis limits	£
General limit ( <i>to be applied where no specific limit is applicable</i> )	10,000
Specific limits:	
▪ Schools' capital projects funded or supported by Formula Capital Grant	2,000
▪ Transport (Highways) infrastructure	Nil
▪ Land	Nil



The **Section 151 Officer** is responsible for the application of these de-minimis limits and will report any exceptions to the **Cabinet Member for Finance**.

Where expenditure meets the 'capital expenditure' definition and is in excess of the Council's de-minimis limits, it will be classified as capital expenditure, even if provision exists within the Revenue Budget to fund the work (*and vice versa*).

Similarly, where specific financing (*e.g. government grant*) is provided to facilitate a project, this will not determine the accounting treatment of the expenditure. That is, the accounting treatment is determined according to the type of expenditure, and not by the funding source (*see paragraph 5.1*).

### 3.4.2. Capital programme

The **Cabinet Member for Finance**, in conjunction with the **Section 151 Officer**, will manage the preparation of a capital programme, on behalf of the Council, on an annual basis in accordance with the Council's capital projects' governance arrangements and capitalisation criteria.

Each scheme that is added to the Capital Programme is allocated:

- (i) A '**start date**' for planning purposes;
- (ii) An overall '**scheme approval**' which sets the overall budget for the scheme; and
- (iii) An '**annual payments guideline**' which sets the parameters for expenditure in each of the financial year's over which the scheme is expected to span.

### 3.4.3. Financing of capital expenditure

The **Cabinet Member for Finance**, in conjunction with the **Section 151 Officer**, will determine the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

## 3.5. Leasing and rental arrangements

Leases of land or buildings and other property agreements will only be authorised for completion, on the Council's behalf, in accordance with the delegations set out in paragraph 7.1.4 (page 45). The relevant Finance support will be consulted as part of this process.

Other leasing arrangements (*including rental agreements and hire purchase arrangements*) will only be entered into with prior approval, as follows:

Type of lease	Approval required
Vehicles, plant and equipment	▪ <b>Section 151 Officer</b>
Cars secured through the Car Provision Scheme	▪ <b>Executive Directors; or</b> ▪ <b>Directors</b>

Prior approval to enter into leases is required to ensure that:

- Leases that constitute credit arrangements are taken into account when the Council determines its borrowing limits;
- Such arrangements represent best value for money and are accounted for appropriately.

### 3.6. Internal Trading Activities

#### 3.6.1. Definition and framework

The main types of internal trading activity permitted by the Council include those who are:

- Providing all, or the majority, of their services in an environment where their customers have the option to use them or an alternative service provider; and
- Charging for the full cost of the goods / services they provide, on the basis of an agreed charge or rate.

Services are only permitted to operate as a trading activity with the prior approval of the Cabinet, following consultation with the **Section 151 Officer**.

Trading activities are each required to maintain a Trading Account into which all expenditure related to the provision their services will be charged (i.e. *including direct costs, the full costs of services provided by the Council's support services, any service management provided by senior managers and asset and other accounting charges*). Trading Accounts will also receive all income due for work done by the trading activity.

Trading activities are required to balance their budget by generating sufficient income to cover the full costs of service provision.

Trading activities must operate within the Council's overall arrangements and rules for personnel and resource management. Cabinet may approve special arrangements in exceptional circumstances, where it can be demonstrated that adherence to these rules and arrangements would lead to the unit becoming uncompetitive and losing work and that the proposed departure does not expose the Council to significant risk.

### 3.6.2. Financial targets

Each trading activity must prepare an annual financial plan for approval by the Council as part of the annual budget setting (*see paragraph 3.1, on page 14*), and which defines the expected levels of income and expenditure for the year.

Trading activities must, as a minimum, aim to break-even (*i.e. only incur expenditure that can be financed from the income the activity expects to generate during the year*). It is only permissible to plan for a deficit in exceptional circumstances, and then only if the deficit can be met from the trading activity's own accumulated revenue reserves or, in exceptional circumstances, from an approved contribution from the General Fund.

### 3.6.3. Trading reserves

Trading activities are permitted to retain the surpluses they generate, provided they can demonstrate that these are necessary for the future business needs of their operations. The **Section 151 Officer** will advise Cabinet, after consultation with the relevant Executive Director(s), if the level of cash balances held by a trading activity are in excess of those deemed necessary to meet the business needs of the operation. The **Cabinet Member for Finance** will then determine whether the excess balances are transferred to the General Fund Balance or another reserve.

The approval of the **Cabinet Member for Finance** is required where it is proposed to transfer part of a trading activity's reserves to finance expenditure by a Service, or to make a contribution from a Service to a trading activity.

## 3.7. Treasury management, prudential and MRP policy

The **Cabinet Member for Finance**, in conjunction with the **Section 151 Officer**, will propose an annual Treasury Management Strategy, a set of Prudential Indicators and a policy for making revenue provision for the repayment of debt (*referred to as the 'Minimum Revenue Provision' policy*) to the Council in advance of the start of the relevant financial year. These will be consistent with the Council's revenue budget and capital programme proposals.

These documents are required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council's own Treasury Management Policy Statement and Treasury Management Practices; they will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year.

## 3.8. Medium term resources strategy (MTRS)

The MTRS brings together the key assumptions about financing resources (including council tax, non-domestic rates and revenue support grant) and spending pressures over the medium to longer term. This enables the Council to plan for financial risks and thus inform the setting of service financial targets for the annual revenue budget and capital payments guidelines.

The **Section 151 Officer** will ensure that reports are presented to Council, as part of the annual budget setting, upon the medium term budget prospects and the resource constraints set by the Government.

## 3.9. Income and charging policy

Executive Directors, in consultation with the **Section 151 Officer**, will follow the Council's charging policy for the supply of goods or services where charges may be lawfully applied and the annual forecast of the recoverable amount is **£250,000** or more. Charges will be reviewed annually. All new charges, and amendments to existing charges, will be subject to formal approval in accordance with the Council's Constitution. Further guidance is contained in the Council's [Fees and Charges policy](#).

Further detail on income is provided in Section 8.1, which commences on page 52.

## 3.10. Pay Policy Statement

The pay policy statement will be prepared as required by law. At present it is required to set out the Council's policy on the level and elements of remuneration for each chief officer, the remuneration of its lowest paid employees, and the relationship between the remuneration of its chief and other officers. It is also required to address other specific aspects of chief officer remuneration such as remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

## 4. Financial Management

### 4.1. Introduction

Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, trading activities' financial plans, capital programme and treasury management.

### 4.2. Financial management standards

All officers and Members have a duty to abide by the highest standards of probity in dealing with public money. This is facilitated by ensuring everyone is clear about the standards to which they are working and by the controls that are in place to ensure that these standards are met.

### 4.3. Revenue budget monitoring and control

#### 4.3.1. Budget management

The Council operates within an annual cash limit, approved when the annual budget is set. To ensure that the Council does not over spend in total, each service is required to manage its own expenditure and income recovery within the cash limited budget allocated to it. Budget management also ensures that once the Council has approved the budget, the resources are used for their intended purposes and are properly accounted for.

#### 4.3.2. Framework for budgetary control

Once the budget is approved by the Council, Executive Directors are authorised to incur expenditure in accordance with the approved budget, subject to the limits in the Constitution and the scheme of delegation to officers. Executive Directors must however maintain effective budgetary control within their service(s) to ensure that spending is contained within the annual cash limit and to secure value for money (i.e. as measured by cost efficiency and output effectiveness).

Executive Directors must ensure that no commitments are made that would result in an approved budget being exceeded. Prior approval must be obtained to increase the budget either by virement (*see paragraph 4.3.3*) or by a supplementary estimate (*see paragraph 4.3.4*) before additional commitments are made.

In addition, subject to the limits in the Constitution and the scheme of delegation to officers, Executive Directors may exceptionally incur additional expenditure in an emergency (*see paragraph 8.7 for the approval required to make an emergency payment*). In such situations, retrospective approval must be sought, as soon after the event as possible, to offset the additional expenditure by virement or supplementary estimate.



Executive Directors will:

**(i) Ensure that all income and expenditure is properly recorded and accounted for**

Executive Directors will ensure that all officers responsible for committing expenditure comply with all relevant guidance, and follow approved certification processes.

**(ii) Ensure that an appropriate budget holder structure is in place to ensure that responsibility is assigned for each item of income and expenditure under their control**

Budget holders will be accountable for the effective management of the budgets allocated to them to either oversee or directly manage, even where they put delegations in place that enable officers to commit expenditure on their behalf.

**(iii) Ensure that individual policy budgets are not over spent**

It is expected that Portfolio budgets will be managed within the agreed cash limit budget, and Executive Directors, in consultation with the relevant Cabinet Member(s), will use the virement scheme (see paragraph 4.3.3) to achieve this by moving the under spend to the area of over spend. Where more specific management actions are required to save funds, then this needs to be clearly set out in a budget recovery plan which can be monitored to ensure the safe delivery of the budget at both portfolio and policy budget level.

In ensuring compliance with this requirement, the Executive Director, the **Section 151 Officer** and / or Cabinet Members may require a budget holder with a projected over spend to prepare a budget recovery plan which explains the actions being taken to mitigate the position.

**(iv) Ensure that a monitoring process is in place**

A monitoring process is required to review performance and / or service levels in conjunction with the budget and to ensure they are operating effectively.

**(v) Regularly report to the relevant Cabinet member(s)**

Such reports will be prepared, in consultation with the **Section 151 Officer**, upon the service's projected 'controllable net expenditure' compared with its budget. Cabinet Members must be fully briefed, as part of this process, on any budget pressures and any proposal to address these pressures by virement (*see bullet point (vii) below*).

**(vi) Ensure prior approval by the Cabinet (as appropriate) for new proposals**

Prior approval of the Cabinet or Cabinet Members may be required for key decisions or for proposals that create financial commitments in future years or which materially extend or reduce the Council's services, or which initiate new ones.

**(vii) Ensure compliance with the Scheme of Virement**

The scheme of virement is explained within paragraph **4.3.3**.

- (viii) **Agree with the relevant Executive Director(s) where it appears that a budget proposal, including a virement proposal, may impact on their service area**
- (ix) **Ensure that relevant training is delivered to all staff assigned responsibility for budget management**

Officers will undertake approved finance training prior to commencement as an operational budget holder and/or as an authorised signatory, to ensure they have the necessary knowledge and skills to effectively perform their financial responsibilities; refresher training will be undertaken at 24 monthly intervals thereafter, or as specified by the S151 Officer.

The **Section 151 Officer** will ensure that each budget holder receives or has access to timely information on income and expenditure for each budget, which is sufficiently detailed to enable them and their managers to fulfil their budgetary responsibilities.

The **Section 151 Officer** will monitor performance against the Council's budget on an on-going basis, and will advise upon the Council's overall financial position. Specifically, the **Section 151 Officer** will prepare financial overview reports for the **Cabinet Member for Finance** to present to Cabinet on a regular basis. These financial overview reports will:

- Provide a comparison of the Council's projected income and expenditure with the latest approved budget;
- Include an assessment of the Council's reserves and balances and overall financial position; and
- Seek approval to changes to the approved budget (*including virements between policy budgets, supplementary estimate requests and changes to the scheme and payment approvals for capital projects*).

### **4.3.3. Scheme of virement**

As detailed in paragraph 4.3.2, Executive Directors must ensure that spending remains within the service's overall cash limit, and that spending does not exceed individual policy budget headings. It is however permissible, in certain circumstances, to switch resources between approved budget headings, subject to obtaining the necessary approval. The switching of resources between approved policy budget headings is referred to as a virement.

The virement rules are as follows:

- (i) No expenditure shall be incurred without appropriate budget provision and, if necessary, a virement should be undertaken to put this in place before the expenditure is incurred.

- (ii) No virement relating to a specific financial year should be made at the end of the financial year after the date specified within the **Section 151 Officer**' timetable for closure of the accounts.
- (iii) Virements are not permitted in relation to asset charges or other budget headings that are deemed to be outside the control of the relevant budget holder, or where a proposal would adversely affect long-term revenue commitments.
- (iv) Virements are not permitted between revenue and capital budgets. Changes to the capital programme will be dealt with in accordance with section 4.5 (see page 29).
- (v) A virement that is likely to impact on the level of service activity of another budget holder can be implemented only with the agreement of the relevant budget holder(s).
- (vi) Amounts that require Member approval must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years.
- (vii) Where a Cabinet Member's approval is required to a virement, this approval will normally be sought via a 'Cabinet Member Action' or a report to Cabinet.
- (viii) When a Cabinet Member is making a decision on an operational matter, any necessary virements must be included as part of that decision.
- (ix) Virements that are being actioned to effect a change in policy or priorities (*either within the same portfolio or between portfolios*) will be subject to the following approval:

Amount	Minimum approval required
<b>Up to and including £500,000</b> <i>(Subject to the aggregation rule in 4.3.3 (xiii))</i>	<b>Director</b> <i>(following consultation with the <b>Budget Holder</b>)</i>
<b>In excess of £500,000, but no more than £2m</b> <i>(Subject to the aggregation rule in 4.3.3 (xiii))</i>	<b>Executive Director</b> <i>(following consultation with <b>Section 151 Officer</b> and <b>Service Cabinet member(s)</b>).</i>
<b>More than £2m and above, but no more than £5m</b>	<b>Cabinet Member for Finance</b> <i>(following consultation with <b>Executive Director</b>, <b>Section 151 Officer</b> and <b>Service Cabinet Member(s)</b>)</i>
<b>More than £5m</b>	<b>Cabinet</b> <i>(following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b>)</i>

Exceptions to the virement rules are as follows:

- (x) The virement rules do not apply to the movement of budget between the individual budget headings of an individual trading activity, because trading activities are controlled to an overall financial target rather than against individual expenditure and income headings (see paragraph 3.6.1). The approval of the **Cabinet Member for Finance** is however required to transfer resources between individual trading activities and to/from the General Fund - see paragraph **3.6.3**.
- (xi) Member approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant Head(s) of Finance or the Chief Accountant.
- (xii) Member approval is not required for budget movements arising in order to comply with the CIPFA Service Expenditure Reporting Code of Practice guidance on accounting for overheads, or budget movements arising in order to comply with proper accounting practice. Approval is required from the relevant Head of Finance and/or the Chief Accountant.
- (xiii) If the proposed virement, together with the total of previous virements within the same financial year, would result in an aggregate increase or decrease in the original 'controllable net' budget for any of the portfolios affected of more than:
  - **25%**; or
  - **£5m**the decision shall be taken by the **Cabinet Member for Finance**, in consultation with the **Section 151 Officer**.

#### 4.3.4. Supplementary estimates

In the event that it is not possible to move resources between budget headings to meet a liability, a request may be made for additional funding from the General Balance, an earmarked revenue reserve or from the Emergency Contingency. Requests for additional funding are referred to as supplementary estimates.

Supplementary estimates can only be requested for one-off purposes, although it may be possible to request funding for a project that spans more than one financial year. Where additional funding is required on an on-going basis, the full year effect must be addressed through the revenue budget setting process (see paragraph 3.3.3).

A request for a supplementary estimate must specify:

- (i) the total amount of funding required, including the profile across financial years of the proposed expenditure;

- (ii) the source(s) of the supplementary funding (*which will be advised by the **Section 151 Officer***); and
- (iii) why the supplementary funding is required and whether there are any on-going cost implications.

Following consultation with the **Section 151 Officer**, supplementary estimates are subject to the approval of the **Cabinet** (*via the Financial Overview Reports*), or the **Cabinet Member for Finance**.

Where supplementary funding is requested for a project that slips into the following financial year, or which progresses ahead of schedule, the supplementary funding can be re-profiled between financial years without the need for further approval up to a threshold of **£500,000** and provided that:

- (i) the funding is still being used for the approved purpose; and
- (ii) the agreed amount is not exceeded.

The approval of the **Cabinet Member for Finance** is required to re-profile supplementary estimates in excess of **£500,000** between financial years.

Any supplementary funding provided **must** only be spent for the purposes for which it was approved. This means that:

- (i) The **Section 151 Officer** may withdraw supplementary funding if it becomes apparent that the funding is not being used for the agreed purpose; and
- (ii) Funding that is no longer needed for the approved use must be returned to the reserve from which it was allocated unless directed otherwise by the **Section 151 Officer**.

#### 4.4. Treatment of year end balances

##### (i) Carry forward scheme

In certain circumstances, it is permissible to transfer resources between accounting years (*i.e. carry unspent budget forward for use in the following year or fund an over spend in the current year from next year's budget allocation*).

The **Section 151 Officer** is responsible for agreeing with the **Cabinet Member for Finance** the procedures for carrying forward under or over spends. The **Section 151 Officer** administers the agreed scheme in accordance with the guidelines set by the **Cabinet Member for Finance**.

Approval to carry forward under spends will not be given prior to consideration by Cabinet of the final outturn position and overall financial position of the Council upon closure of the accounts, as the Council's ability to support the carry forward requests will need to be assessed in the context of the overall financial position of the authority.



Where supplementary estimates (*see paragraph 4.3.4*) have been provided during the year, for the purpose of funding controllable expenditure, the value of the supplementary estimate shall be deducted from any amounts that the relevant service may be permitted to carry forward into the following financial year. The Cabinet has discretion to waive this restriction.

Over spends will be carried forward and deducted from the relevant service's budget in the following year, unless the Cabinet agrees otherwise.

Where a Service identifies the need to incur expenditure in the current financial year for which budget provision has been made in the following year's budget, a supplementary estimate can be requested when this is done in a planned way, and in advance of the expenditure being incurred. In this instance the following year's budget will be correspondingly reduced and the current year's increased expenditure will not be categorised as an over spend.

### **(ii) Trading activities**

Internal trading activities' surpluses are carried forward, unless determined otherwise by the **Section 151 Officer** (and subject to the considerations outlined in paragraph 3.6.3). Any deficits, however they arise, will be financed by a withdrawal from the relevant Trading Activity's accumulated reserves, or from an approved contribution from the General Fund Balance (*see paragraph 3.6.2*).

### **(iii) Partnership schemes**

The funding of some partnership schemes is ring-fenced (*including the contribution made by the Council*) and is not therefore available for alternative use by the Council. The unspent balances on approved partnership schemes will be carried into an earmarked Partnerships Reserve, which can be drawn upon to finance expenditure by the partnerships in a subsequent year.

### **(iv) Grant funded schemes**

Where revenue grants and contributions are recognised as income in advance of the related expenditure being incurred, the unspent grant will be carried into an earmarked Grants Equalisation reserve, which can be applied, and matched with the related expenditure, in a subsequent year.

### **(v) Dividends received**

Dividends received from subsidiaries of the Council will be treated as corporate income and use of such income will be determined by the **Cabinet Member for Finance**.

### **(vi) Individual Schools' budgets**

Individual Schools' budgets are ring-fenced in accordance with statutory provisions.

Under spends against individual schools' budgets are appropriated into the Schools' reserve to support expenditure in a later year by the school(s) concerned.

School over spends are financed by a withdrawal from the Schools' reserves accumulated in previous years. Where an unplanned deficit occurs, the governing body must prepare a detailed financial recovery plan, which will be evaluated by the **Executive Director** with responsibility for Education and the **Section 151 Officer**. If the deficit exceeds **5%** of the school's budget, the plan will be referred to the Service Cabinet Member. Schools will be expected to agree a plan to recover the deficit within a defined period.

## 4.5. Capital monitoring and control

### 4.5.1. Approval to spend

Once the capital programme or a scheme is approved, Executive Directors are, subject to the rule in the Constitution that officers may not take a Key Decision and limits within the scheme of delegation to officers, authorised to progress with capital projects that have:

- (i) An approved 'start' date in the current or a prior financial year (*i.e. schemes with a start date in a future financial year are indicative only, and do not constitute approval to spend*); and
- (ii) Adequate scheme and payments approval in the capital programme to finance these projects.

### 4.5.2. Framework for budgetary control

The principles and framework for managing the revenue budget (*as set out within paragraphs 4.3.1 and 4.3.2*) apply equally with regards to the monitoring and management of individual capital projects (*i.e. named schemes and 'block' approvals*) within their scheme and payment approvals.

### 4.5.3. Scheme of Virement

In the event that an over spend arises against one scheme or 'block' approval, corrective action must be taken to remedy the position.

Where it is intended to redress an over spend by utilising savings against another approved project (or 'block' approval) the following permission will be required to vary the payment guidelines and scheme approvals for both projects:

Amount	Minimum approval required
Up to and including £500,000	Director ( <i>following consultation with the <b>Section 151 Officer</b>, to ensure that there are no adverse implications upon capital financing resource, and <b>Budget Holder</b></i> )
In excess of £500,000, but not more than £2m	Executive Director ( <i>following consultation with <b>Section 151 Officer</b> and <b>Service Cabinet Member(s)</b></i> ) unless the

Amount	Minimum approval required
	saving being utilised is greater than 25% of the project or block approval that it is to come from, in which case the next level of approval is required.
More than £2m, but not more than £5m	<b>Cabinet Member for Finance</b> ( <i>following consultation with Executive Director, Section 151 Officer and Service Cabinet Member(s)</i> )
More than £5m	<b>Cabinet</b> ( <i>following consultation with Cabinet Members as above, Executive Director and Section 151 Officer</i> )

The scheme of virement, as set out in paragraph 4.3.3, does not otherwise apply to capital expenditure, as approval to capital expenditure is given on a scheme by scheme (or 'block' approval) basis, rather than by portfolio/service.

#### 4.5.4. Re-profiling of payment guidelines between years

Where it is anticipated that a scheme with approval to 'start' will be progressed at a different rate to that scheduled (such that expenditure is expected to vary from the approved payment guideline for the year) approval must be sought to re-profile the payment guidelines for the scheme (or block approval).

For a scheme with approval to 'start', the re-profiling of the capital payment guidelines between financial years is subject to agreement as follows:

Amount	Minimum approval required
Up to and including £500,000	<b>Director</b> ( <i>following consultation with the Section 151 Officer, to ensure that there are no adverse implications upon capital financing resources, and Budget Holder</i> )
In excess of £500,000, but not more than £2m	<b>Executive Director</b> ( <i>following consultation with Section 151 Officer, Cabinet Member for Finance and Service Cabinet Member</i> , unless the amount being re-profiled is greater than 25% of the project or block approval, in which case the £2m and above level of approval is required.
More than £2m above, but not more than £5m	<b>Cabinet Member for Finance</b> ( <i>following consultation with Executive Director, Section 151 Officer and Service Cabinet Member</i> )
More than £5m	<b>Cabinet</b> ( <i>following consultation with Cabinet Members as above, Executive Director and Section 151 Officer</i> )

The above approval will also be required where it is intended to accelerate a scheme that is within the Capital Programme with an indicative start beyond the current financial year, where it is proposed to change the start date to within the current financial year.

#### 4.5.5. Adding scheme and payment approvals to the Capital Programme

Schemes will usually only be added to, or removed from, the Capital Programme as part of the annual budget setting process referred to in paragraph 3.4.2 (see page 18).

Any request outside of this process to change the capital programme by adding or removing schemes, or by allocating additional scheme and payment approvals to an approved scheme, must be approved as follows:

Amount	Minimum approval required
Up to £5m	Cabinet Member for Finance <i>(following consultation with the Executive Director, Section 151 Officer and the Service Cabinet Member)</i>
£5m and above	Cabinet <i>(following consultation with all of the above)</i>

#### 4.6. Trading activities

Trading activities must manage their income and expenditure to an overall financial target (see paragraph 3.6.2); in doing so, trading activities must operate within the Council's framework for budgetary control (as outlined within paragraph 4.3.2).

Cabinet approval is required to alter a trading activity's overall financial target (via the quarterly Financial Overview Reports).

Where the proposed target reflects a worsening position that will result in a loss for the year, the request to amend the financial target must explain how the loss is to be financed and the plans for recovery from this position. Where a surplus is now forecast, above that previously reported, the request to amend the target must explain whether and why the additional surplus is to be retained by the trading account.

## 5. Accounting records and financial systems

### 5.1. Accounting records

Maintenance of proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources.

The **Section 151 Officer** is responsible for determining the accounting procedures and records for the Council, and for the compilation of all accounts and accounting records.

The Council's accounting records are maintained within its General Ledger. A standard coding convention is maintained within the General Ledger that enables actual and budgeted income and expenditure to be analysed in a variety of ways (*i.e. according to the political and management structures of the Council, as well as satisfying the Council's statutory reporting requirements*). The integrity of the Council's financial reporting for management and statutory purposes is therefore dependent upon transactions being coded correctly at source.

Executive Directors are responsible for ensuring that their services (*including those delivered through strategic partnerships*) comply with the coding conventions adopted within the General Ledger. This includes adherence to the standard subjective classifications for categories of income and expenditure. The requirement to adhere to this standard classification applies even where expenditure on projects have 'net nil' budgets (*i.e. expenditure is matched with income*).

In the event that application of this standard classification results in under or over spends, appropriate action must be taken to re-align the budgets (*see paragraphs 4.3.3 and 4.3.4*); the guiding principle being that budget provision should follow expenditure and/or income, and not vice versa.

### 5.2. Annual statement of accounts

The Council has a statutory responsibility to prepare its accounts to present a true and fair view of the financial performance and results of its activities during the year, and is responsible for approving and publishing those annual statements in accordance with the timetable specified in the Accounts and Audit Regulations.

The **Section 151 Officer** is responsible for selecting suitable accounting policies, and for applying them consistently, to ensure that the Council's annual statement of accounts is prepared in compliance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and other relevant accounting standards and statutory provisions. In addition, the **Section 151 Officer** will ensure that the Statement of Accounts is compiled, approved and published in accordance with the statutory timetable specified within the Accounts and Audit Regulations.

The **Section 151 Officer** will issue accounting instructions on closure of the accounts, including a timetable, annually. All budget holders must comply with these accounting instructions and supply the information requested by the dates specified.

The **Section 151 Officer** must sign and date the Statement of Accounts, thereby confirming that the accounts give a 'true and fair' view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March.

The **Section 151 Officer** is responsible for making proper arrangements for the audit of the Council's accounts.

### 5.3. Financial Systems

The **Section 151 Officer** has responsibility for ensuring that the Council's financial systems (*including any financial elements of non-financial or integrated systems*) are sound, properly maintained and that they are held securely. The **Section 151 Officer** will therefore determine the accounting systems, form of accounts and supporting financial records.

Executive Directors must ensure that prior approval is obtained from the **Section 151 Officer** and the officer designated as the **Chief Information Officer** to operate any financial system (including any elements of a non-financial or integrated system relied upon for financial reporting purposes) within or on behalf of their area of responsibility. Prior approval must also be obtained from the **Section 151 Officer** and **Director for Information Services** (CIO) to make changes to any such systems already being operated within a service area. The 'go live' sign-off criteria, as defined by the **Director for Information Services** (CIO), must be complied with in respect of implementation or amendment to any financial systems (*or non-financial or integrated system relied upon for financial reporting purposes*) operated within, or on behalf of, a Service area. A S151 Officer Change Request must be submitted to the **Section 151 Officer** for approval prior to making any changes to such systems.

Systems must be documented and backed up, and disaster recovery and business continuity plans must be maintained to allow information system processing to resume quickly in the event of an interruption. Executive Directors will ensure that an adequate audit trail exists through the computerised system and that audit reviews are being carried out, as necessary.

Where appropriate, the data processed by computer systems will be notified to the Information Commissioner in accordance with [data protection legislation](#).

Relevant policies and guidelines for computer systems and equipment that are issued by the Director for Information Services (CIO) will be observed.

## 6. Risk Management and Internal Control

### 6.1. Introduction

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

### 6.2. Risk management

Risk management is concerned with evaluating the measures in place, and the actions needed, to identify and control risks effectively. The objectives are to secure the Council's assets and to ensure the Council's continued financial and organisational wellbeing.

The Audit Committee consider the Council's [Risk Management Policy and Strategy](#), and advise on any action necessary to ensure compliance with best practice, and the Cabinet approves it. The Corporate Management Board and Political Leadership team keep under review the strategic risk register and promote a culture of risk management awareness throughout the Council.

The **Director** with responsibility for **Organisation Risk** is responsible for preparing the Council's [Risk Management Policy and Strategy](#), and for promoting it throughout the Council where appropriate. The **Director** with responsibility for **Organisational Risk** will:

- (i) Ensure that procedures are in place to identify, assess and prevent or contain material risks, and also allow for the identification and management of positive opportunities.
- (ii) Regularly review the effectiveness of risk reduction strategies and controls.
- (iii) Engender a positive attitude towards the control of risk.
- (iv) Provide relevant information on risk management initiatives, and training on risk management.
- (v) Ensure that acceptable levels of risk are determined.

The **Director** with responsibility for **Organisational Risk** is also responsible for:

- (vi) Developing risk management controls, including Business Continuity Planning, in conjunction with Executive Directors.
- (vii) Ensuring that the Council has effective business continuity plans for implementation in the event of disaster which results in significant loss or damage to its resources, and threatens its activities.



Executive Directors must have regard to the advice of the **Director** with responsibility for **Organisational Risk**, and adhere to the Council's [Risk Management Policy and Strategy](#). Specifically, Executive Directors must:

- (viii) Take full ownership of all risks within their areas of responsibility, including those related to partnerships in which their services participate.
- (ix) Ensure that risk management is implemented in line with the Council's Risk Management Strategy and the minimum standard for business planning process.
- (x) Appoint a Risk Champion and authorise him/her to progress effective risk management that adheres to corporate guidelines.
- (xi) Identify and manage risks and ensure that mitigating actions are regularly reported.
- (xii) Have regard to other specialist officers (*e.g. crime prevention, fire prevention, information governance, health and safety*).
- (xiii) Ensure there are appropriate arrangements within their service area to identify risk issues and take appropriate action to mitigate the effects of them and maximise opportunities. This includes ensuring that the relevant officers are trained to manage risk and where required provide a defence for the Council.
- (xiv) Make sure that consideration is given and appropriate arrangements are made to ensure service delivery by 3<sup>rd</sup> party providers and delivery vehicles.
- (xv) Ensure that service programme, project and partnership risk registers are compiled, and kept up to date.

### 6.3. Insurance

The Cabinet is responsible for ensuring that proper insurance arrangements exist. The **Section 151 Officer** is responsible for advising the Cabinet on proper insurance cover, and will:

- (i) Effect corporate insurance cover, through external insurance and internal funding, and negotiate all claims in consultation with other officers, where necessary.
- (ii) Include all appropriate employees of the Council in suitable fidelity guarantee insurance.
- (iii) Offer insurance cover to schools in accordance with arrangements for financing schools.
- (iv) Ensure that provision is made for losses that might result from identified risks.
- (v) Ensure that procedures are in place to investigate claims within required timescales.
- (vi) Be aware of and manage effectively operational risk to the Council.

The settling of insurance claims against the Council will be subject to approval as follows:

Amount	Minimum approval required
Up to £20,000	Senior Claims Handler
In excess of £20,000 and up to £150,000	Insurance Manager
In excess of £150,000 and up to £1m	Director with responsibility for insurance arrangements ( <i>in consultation with Insurance Manager</i> )
In excess of £1m	Section 151 Officer ( <i>in consultation with Director as above</i> )

The **Section 151 Officer** shall notify the **Cabinet Member for Finance** if the total amount paid to claimants during a financial year exceeds **£2m** with respect to any of the following classes of claim:

- (i) Employer Liability
- (ii) Public Liability (Highways claims)
- (iii) Public Liability (Non Highways claims)
- (iv) Property
- (v) Motor
- (vi) Other

If the **£2m** threshold is exceeded for any financial year the **Cabinet Member for Finance** may ask to be consulted on further proposed settlements in the category concerned for the remainder of that financial year.

Executive Directors must comply with all relevant Insurance terms and conditions, and in particular must:

- (i) Notify the **Section 151 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 **Section 151 Officer** or the Council's insurers.
- (ii) Notify the **Section 151 Officer** promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- (iii) Consult the **Section 151 Officer** and the **Monitoring Officer** on the terms of any indemnity that the Council is proposing to give.
- (iv) 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.

#### 6.4. Internal Control and the governance framework

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its strategic objectives and statutory obligations. Internal controls are devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

It is the responsibility of the **Section 151 Officer** to assist the Council to put in place an appropriate control environment and effective internal controls that adhere with proper practices, and provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

The system of internal control is a significant part of the Council's governance framework. The **Section 151 Officer** will compile an Annual Governance Statement each year. The Governance Statement will be compiled with reference to proper practices in relation to governance (*principally the CIPFA/SOLACE guidance 'Delivering Good Governance in Local Government'*).

The governance framework, control environment and internal controls include:

- (i) Identification and communication of the Council's vision of its purpose and intended outcomes for citizens and service users.
- (ii) Reviewing the Council's vision and its implications for the Council's governance arrangements.
- (iii) Measuring the quality of services for users, and ensuring they are delivered in accordance with the Council's objectives and that they represent the best use of resources.
- (iv) Making proper arrangements for project management.
- (v) Defining and documenting the roles and responsibilities of the executive, non-executive, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication.
- (vi) Developing, communicating and embedding codes of conduct, defining the standards of behaviour for members and staff.
- (vii) Reviewing and updating standing orders, standing financial instructions, a scheme of delegation and supporting procedural notes/manuals, which clearly define how decisions are taken and the processes and controls required for managing risks.
- (viii) Undertaking the core functions of an Audit Committee, as identified in CIPFA's Audit Committees – Practical Guidance for Local Authorities.
- (ix) Ensuring compliance with relevant laws and regulations, internal policies and procedures and that expenditure is lawful.

- (x) Whistle blowing and arrangements for receiving and investigating complaints from the public.
- (xi) Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation.
- (xii) Incorporating good governance arrangements in respect of partnerships and other group working as identified by the Audit Commission's report Governing Partnerships: Bridging the Accountability Gap, and reflecting these in the Council's overall governance arrangements.
- (xiii) Policies, objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action.
- (xiv) Financial and operational control systems and procedures which comprise physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- (xv) Maintaining an effective internal audit function that is appropriately resourced, and which operates 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.

It is the responsibility of Executive Directors to:

- (xvi) Establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness; and for achieving their financial performance targets.
- (xvii) Manage processes to check that controls are adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- (xviii) Communicate responsibilities, codes of conduct and the importance of good governance arrangements to their staff and ensure that they understand the consequences of lack of control and inadequate governance arrangements.
- (xix) Review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the **Section 151 Officer**. Executive Directors should also be responsible, after consultation with the **Section 151 Officer**, for removing controls that are unnecessary.
- (xx) Undertake self-assessments of the status of the governance framework, including systems of internal control for each of their service areas, as directed by the **Section 151 Officer**.
- (xxi) Support internal audit in any review being undertaken within their area, and respond to issues raised within audit reports within the agreed timescale.

## 6.5. Preventing fraud and corruption

### 6.5.1. Counter fraud and anti-bribery strategy

The Council has an effective [anti-fraud and corruption policy](#) and maintains a culture that will not tolerate fraud or corruption. It is the responsibility of the **Section 151 Officer** to maintain the Council's anti-fraud and anti-corruption policy.

Executive Directors must ensure that this policy is adhered to and that all appropriate action is taken. This will include reporting all suspected irregularities to the **Head of Internal Audit** (see paragraph 6.6.2).

### 6.5.2. Declaration of Interests

To avoid giving rise to suspicion about the honesty and integrity of the Council or its employees, or giving the impression of corruption or improper behaviour, all interests of a personal and/or financial nature with external bodies or persons who have dealings with the Council, or any other interests which could conflict with an officer's duties, must be declared in accordance with the [Officer Declaration of Interests policy](#).

### 6.5.3. Gifts and hospitality

Officers must be cautious regarding offers of gifts and hospitality as acceptance can easily give the impression of improper behaviour or favour.

The Council's [Officer Gift and Hospitality Policy](#) explains how offers of gifts and hospitality are to be dealt with, including what can be accepted, what cannot be accepted and what must be declared. In accordance with the Gift and Hospitality Policy, Executive Directors must ensure that a Gifts and Hospitality register is established and maintained for the services for which they are responsible.

### 6.5.4. Whistle blowing

In accordance with the Council's [whistle blowing policy](#), all suspected irregularities must be reported to the **Head of Internal Audit** (see paragraph 6.6.2). The **Head of Internal Audit** will report significant matters to the Chief Executive, Cabinet and the Audit Committee.

In addition to the whistle blowing policy the Council's '[Speak up!](#)' service provides further guidance on how employees can raise issues or concerns about inappropriate behaviour.

### 6.5.5. Standards of conduct

The full responsibilities with regard to standards of conduct for officers are set out in the [Officers' Code of Conduct](#) and the standards for members are set out in Article 3 of the [Constitution](#)

### 6.5.6. Money laundering

Money laundering is defined as:

- (i) Concealing, disguising, converting, transferring or removing criminal property from the Country.
- (ii) Being concerned in an arrangement which a person knows of, suspects or facilitates the acquisition, retention, use or control of criminal property.

In accordance with the Council's [Anti money laundering policy](#), all suspected attempts to use the Council to launder money must be reported to the **Head of Internal Audit** who is the Council's Money Laundering Reporting Officer.

Executive Directors must ensure that their staff understand what money laundering is and of their obligations under the money laundering legislation, so that they can recognise situations that might lead to suspicions of money laundering arising.

When a person knows or suspects that money laundering activity is taking place (or has taken place), or becomes concerned that their involvement in a matter may amount to a prohibited act under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2011, they must disclose this as soon as practicable or risk prosecution.

To mitigate the risks of the Council being used to launder money, cash payments in excess of **£10,000** will not be accepted except with the prior approval of the **Section 151 Officer**.

### 6.5.7. Anti-Bribery Policy

In accordance with the Council's [Anti-bribery Policy](#), the detection, prevention and reporting of bribery and other forms of corruption are the responsibility of all those working for Essex County Council or under its control. Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. The Bribery Act has been enacted to enable robust action against such activity.

### 6.5.8. Promoting good governance

Executive Directors are responsible for ensuring that all members of staff in their services complete mandatory governance training provided via e-learning modules on the Council website. Executive Directors are also responsible for ensuring that new employees

undertake the relevant modules of the e-learning training within six weeks of the commencement of their employment, and that all staff refresh their learning every 24 months, or as specified.

### 6.6. Audit requirements

#### 6.6.1. External audit

The basic duties of the external auditor are governed by the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations as well as the relevant Code of Practice.

The Council may, from time to time, also be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs and the Inland Revenue, who have statutory rights of access.

The External Auditors and other statutory inspectors must be given reasonable access to premises, personnel, documents and assets that it is considered necessary for the purposes of their work. Regard must be given to sensitivity of data though, and if there is any doubt about whether it is appropriate to provide such data to the external auditor or other statutory inspector, advice should be sought from the **Section 151 Officer**.

Services must respond to external audit and inspection reports in writing, within a timescale agreed by the appropriate Executive Directors and the External Auditor, detailing the action intended to address any recommendations.

#### 6.6.2. Internal Audit

The requirement for an internal audit function for local authorities is imposed by regulation 5 of the Accounts and Audit Regulations and reinforced by Section 151 of the Local Government Act 1972, which requires that authorities 'make arrangements for the proper administration of their financial affairs'.

The Accounts and Audit Regulations more specifically require authorities to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance. The findings of these internal audits are considered by the Audit Committee on behalf of the Council as part of the consideration of the system of internal control referred to in paragraph 6.4.

Internal audit is an independent and objective appraisal function, established by the Council for reviewing the systems of internal control and assists the Council's stakeholders on business objectives and related risks and, thereby, contributes strategically to the organisation.



The internal auditors adhere to proper practices in relation to internal control; specifically, the CIPFA Code of Practice on Internal Audit in Local Government in the United Kingdom, IIA (Institute of Internal Auditors) and the COSO (Committee of Sponsoring Organisations) risk framework. They examine, evaluate and report upon the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

The internal auditors have the authority to:

- (i) Access any Council premises, assets, records, documents and correspondence, and control systems.
- (ii) Receive any information and explanation related to any matter under consideration.
- (iii) Require any employee of the Council or school maintained by the Council to account for cash, stores or any other asset under his or her control.
- (iv) Access records belonging to third parties (e.g. Contractors) when required.
- (v) Directly access the Chief Executive, the Cabinet, the Audit Committee and Executive Scrutiny Committee.

The **Section 151 Officer** and the **Audit Committee** are required to approve an Annual Audit Plan, a draft of which will be submitted by the **Head of Internal Audit**. The Annual Audit Plan will take account of the characteristics and relative risks of the Council's activities. The **Section 151 Officer** and the **Audit Committee** will also ensure that effective procedures are in place to investigate promptly any suspected fraud or irregularity.

Services must respond to internal audit reports in writing, within a timescale agreed as part of the internal audit methodology detailing the action intended, responsible officer, timescale for implementation and whether the action will require additional resources, to address all agreed recommendations. The relevant Executive Directors must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion. This is validated by a quarterly follow-up process undertaken by internal audit.

The **Head of Internal Audit** will maintain a record of all reports and allegations of suspected fraud, corruption or other financial irregularity in respect of funds and assets that are the responsibility of the Council, and will ensure that appropriate action is taken to investigate these.

The **Head of Internal Audit** will be given the opportunity to evaluate the adequacy of new systems, or changes to existing systems, for maintaining financial records or records of assets, in a timely manner before live operation.

## 7. Control of resources

### 7.1. Assets

#### 7.1.1. Security of assets

The Council holds non-current assets in the form of property, land, infrastructure, vehicles, plant and equipment which are collectively worth many millions of pounds. These assets must be safeguarded and used efficiently.

All staff have a responsibility for safeguarding the Council's assets and information, including safeguarding the security of the Council's computer systems and paper records, and for ensuring compliance with the Council's computer and Internet security policies.

The **Director** with responsibility for **Property Management**, on behalf of the **Executive Director, Corporate Services**, will undertake the role of 'corporate landlord' and will:

- (i) Ensure the proper security and maintenance of all premises occupied and/or owned by the Council.
- (ii) Hold the title deeds for all Council properties.

Executive Directors will:

- (i) Advise the **Director** with responsibility for **Property Management** in any case where security of Council premises is thought to be defective or where it is considered that special security arrangements may be needed.
- (ii) Ensure that no Council asset is subject to personal use by an employee without proper authority.
- (iii) Ensure the safe custody of vehicles, equipment, furniture, inventory, stores and other property belonging to the Council.
- (iv) Ensure cash holdings on premises are kept to a minimum.
- (v) Ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the relevant Head of Service and the **Head of Internal Audit**.

#### 7.1.2. Asset registers

The **Section 151 Officer** is responsible for the maintenance of a corporate register of the Council's property, plant and equipment assets. This register forms the basis of Balance Sheet reporting on all property, plant and equipment assets held by the Council.

This 'Assets Register' is maintained, in accordance with the requirements of the CIPFA Code of Practice on Local Authority Accounting in the UK and the underlying accounting standards, for all items capitalised in accordance the guidelines set out with paragraph **3.4.1** that are expected to be used and controlled by the Council during more than one financial year; items that the Council has acquired for a prolonged period under the terms of a lease or similar arrangement are also recorded. This means that the 'Assets Register' is maintained for:

- (i) All land held by the Council.
- (ii) Buildings held and being used by the Council for operational purposes, including those held under the terms of a finance lease, and those held for investment purposes, for disposal or deemed to be surplus to current requirements.
- (iii) All highways infrastructure (*e.g. roads, structures, traffic management systems etc.*) that, when acquired, was capitalised in accordance with the guidance set out within paragraph **3.4.1**.
- (iv) All vehicles, plant and equipment (*including IT hardware*) and intangible assets (*mainly IT software*) that, when acquired, were capitalised in accordance with the guidance set out within paragraph **3.4.1**.

Executive Directors will provide the **Section 151 Officer** with any information necessary to maintain the Assets Register. This will include confirmation, and the location, of moveable assets, which should be appropriately marked and insured.

Property, Plant and Equipment assets that are required to be measured at 'current value' will be re-valued in accordance with:

- (i) The requirements of the CIPFA Code of Practice on Local Authority Accounting in the UK; and
- (ii) Methodologies and bases for estimation set out in relevant professional standards and codes of practice (*including those of the Royal Institute of Chartered Surveyors (RICS) and the Chartered Institute of Public Finance and Accountancy*).

### **7.1.3. Use of property other than for direct service delivery**

The use of property other than for direct service delivery will be subject to prior agreement of, and in accordance with terms and conditions specified by, the **Director** with responsibility for **Property Management**.

Prospective occupiers of Council land and buildings are not permitted to take possession or enter the land and buildings until a lease or agreement, in a form approved by the **Director** with responsibility for **Property Management**, has been put in place.

### 7.1.4. Property Transactions

In the course of its day to day business, the Council enters into a variety of property agreements, including (but not limited to):

- (i) Freehold acquisitions and disposals;
- (ii) Long leasehold acquisitions and disposals;
- (iii) Short leases as tenant and as landlord;
- (iv) Entering into section 106 agreements as landowner;
- (v) Release of covenants;
- (vi) Compulsory acquisitions and land compensation claims;
- (vii) Taking and granting easements;
- (viii) Option Agreements; and
- (ix) Lease surrenders and exit agreements (including dilapidations).

Each of these transactions has a financial consequence for the Council. Approval is therefore required to authorise such property transactions for completion, and to declare properties surplus to requirements, as follows:

Amount	Minimum approval required
Up to £250,000	Head of Property Management.
In excess of £250,000, but less than £500,000	Director with responsibility for Property Management ( <i>following consultation with the <b>Head of Property Management.</b></i> )
£500,000 and above, but less than £2m	Executive Director with responsibility for Property Management ( <i>following consultation with the <b>Director</b> as above and the <b>Cabinet Member</b> with responsibility for Property Management</i> )
£2m and above but less than £5m	Cabinet Member with responsibility for Property Management ( <i>following consultation with <b>Executive Director</b> as above and the <b>Cabinet Member for Finance</b></i> )
£5m and above	Cabinet ( <i>following consultation with <b>Cabinet Members</b> as above and <b>Executive Director</b> as above</i> )

#### Notes:

- (i) These financial thresholds apply to decisions based on the open market value (i.e. the value based on **highest and best use**, taking account of any information the Council has about the purchaser's proposals for the land acquired) of the interest in the land or property reasonably foreseeable at the date of the approval, and not to the actual money involved.

- (ii) Any moveable assets located within properties proposed for sale, that would be included as part of the sale (e.g. paintings), will be subject to separate consideration in accordance with paragraph 7.1.5.
- (iii) In addition to the financial thresholds above, property transactions must also be subject to considered against the key decisions criteria as per the Constitution.

Once land and buildings have been declared surplus to requirements, the **Director** with responsibility for **Property Management** will arrange for the disposal of these assets in accordance with the Council's property strategy and only then when it is in the best interests of the Council and when best value is obtained.

The approval of the **Cabinet Member for Finance** must be obtained (*after consulting the Cabinet Member with responsibility for Property*) if it is proposed to dispose of the freehold (or a leasehold interest with at least seven years unexpired) in the whole of the Council's interest in a property at a value which is below market value and/or the book value in the previous year's Balance Sheet. The approval of the **Cabinet Member for Finance** must also be obtained (*after consulting the Cabinet Member with responsibility for Property*) if the amount to be realised from the sale of part of an asset will reduce the book value of the remaining asset by more than is being realised.

The proceeds from the sale of all land and buildings (*subject to certain statutory limitations*) will not be earmarked for use by a specific service, but will be pooled and applied to finance future capital investment or for any other purpose permitted by Regulation.

The **Director** with responsibility for **Property Management** will advise on best practice for disposal of other assets that are deemed surplus to requirements, bearing in mind factors such as environmental issues, security and data protection.

### 7.1.5. Disposal of Other Assets

From time to time there is a need to dispose of other assets that are not Property Assets. In these situations the below approval is required:

Amount	Minimum approval required
Up to £250,000	Head of Service
In excess of £250,000, but not more than £500,000	Director ( <i>following consultation with the Head of Property Management.</i> )
£500,000 and above, but not more than £2m	Executive Director ( <i>following consultation with the Director and Service Cabinet Member</i> )
£2m and above but not more than £5m	Cabinet Member for Finance ( <i>following consultation with Executive Director as above and the Cabinet Member</i> )

Amount	Minimum approval required
More than £5m	<b>Cabinet</b> ( <i>following consultation with <b>Cabinet Member</b> as above and <b>Executive Director</b></i> )

The officer designated as **Chief Information Officer** is responsible for ensuring that the standards, policies and guidelines of decommissioning of IT equipment are well defined and communicated to all staff within the Council. The Data Protection Act must be a key consideration in the decommissioning of IT equipment.

## 7.2. Consumable stocks and stores

Executive Directors will make adequate arrangements for the care and custody of consumable stocks and stores held by their services, and will maintain inventory records that document the purchase and usage of these items.

The stock of such items should be subject to a regular independent physical check. Discrepancies between inventory records and the physical stock must be investigated and pursued to a satisfactory conclusion.

Stocks and stores purchased and held in a 'control account' must be charged to the Service revenue account when consumed. The Head of Service (or operational budget holder) must complete a certificate at each financial year end, confirming the number and value (*i.e. value represents the lower of cost and net realisable value*) of items held in stock as at 31st March.

Obsolete stocks and stores (*i.e. items that cannot be sold or consumed*) or items no longer held (*i.e. due to theft or other loss*) must be written off (*i.e. charged to the revenue account as an expense*) straight away. The minimum levels of approval required to write off stock balances per annum are as follows:

Amount	Minimum approval required
Up to and including £10,000	<b>Budget Holder.</b>
In excess of £10,000, but not more than £25,000	<b>Director</b> ( <i>following consultation with <b>Budget Holder</b></i> )
In excess of £25,000, but not more than £50,000	<b>Executive Director</b> ( <i>following consultation with <b>Director</b></i> )
In excess of £50,000, but not more than £100,000	<b>Section 151 Officer</b> ( <i>following consultation with <b>Executive Director</b></i> )
In excess of £100,000 not more than £250,000	<b>Service Cabinet Member</b> ( <i>following consultation with the <b>Executive Director</b> and <b>Section 151 Officer</b></i> )

Amount	Minimum approval required
More than £250,000	Cabinet Member for Finance <i>(following consultation with the <b>Section 151 Officer</b> and the <b>Service Cabinet Member</b>)</i>

### 7.3. Cash

#### 7.3.1. Introduction

All money in the hands of the Council is controlled by the **Section 151 Officer**. The **Section 151 Officer** is thereby responsible for providing assurances that the Council's money is properly managed in a way that balances risk with return, with the overriding consideration being given to security.

In accordance with the Council's [Anti Money Laundering Policy](#), all suspected attempts to use the Council to launder money must be reported to the **Head of Internal Audit** who is the Council's Money Laundering Reporting Officer (see paragraph 6.5.6).

#### 7.3.2. Treasury Management

Treasury management is an important aspect of the overall financial management of the Council. Treasury management activities are those associated with the management of the Council's cash flows and its borrowing and investments. A fundamental aim is to effectively control the risks associated with these activities and to pursue best value, in so far as that is consistent with the effective management of risk.

The Council complies with the CIPFA Treasury Management in the Public Services: Code of Practice and Cross-sectoral Guidance Notes, and has approved:

- A **Treasury Management Policy Statement**, which sets out the policies and objectives of its treasury management activities; and
- A series of **treasury management practices** (TMP's) which set out the manner in which the Council will seek to achieve its policies and objectives for treasury management.

The **Section 151 Officer** is responsible for maintaining the Treasury Management Policy Statement and TMP's, and for recommending any changes to Council for approval.

As noted in paragraph 3.7 (see page 20), the **Section 151 Officer** will propose an annual Treasury Management Strategy to the Council in advance of the start of the relevant financial year. This Strategy will comply with CIPFA's Code of Practice on Treasury Management, relevant Regulations and with the Council's own Treasury Management Policy Statement and TMP's; it will set the parameters within which investment and borrowing activity will be managed during the forthcoming financial year. The **Section 151 Officer** is responsible for ensuring that all borrowing and investment activity is undertaken in compliance with the approved Treasury Management Strategy.



The **Section 151 Officer** will report to the Cabinet at regular intervals in each financial year, on treasury management activities undertaken within delegated powers.

All investments of money, and borrowings undertaken, on behalf of the Council will be made in the name of the Council. The **Section 151 Officer** will maintain records of such transactions.

### 7.3.3. Loans to third parties

The following table sets out the circumstances in which loans may be provided by the Council to third parties, and the approval required to each type of loan:

Type of loan	Minimum approval required
1. <a href="#">Season ticket</a> and similar loans made to employees	To be made in accordance with the 'My Employment' guidance on the Council's Intranet.
2. Monies invested with banks and other financial institutions	To be undertaken in accordance with the Council's Annual Treasury Management Strategy ( <i>see paragraph 7.3.2 above</i> ).
3. Loans to third parties for the purpose of financing expenditure which, if incurred by the Council, would constitute capital expenditure	Such a loan would constitute capital expenditure by the Council ( <i>and the repayment would constitute a capital receipt</i> ) and so would require Capital Programme approval ( <i>see paragraphs 3.4.2 and 4.5</i> ).
4. Loans to third parties for other purposes (e.g. where a service is being outsourced and the potential provider seeks an up-front payment to support cash flows)	Subject to the following approval: <ul style="list-style-type: none"> <li>• <b>Less than £2m - Section 151 Officer</b></li> <li>• <b>£2m and above but less than £5m - Cabinet Member for Finance</b> (<i>following consultation with the Section 151 Officer</i>)</li> <li>• <b>£5m and above - Cabinet</b> (<i>following consultation with Cabinet Member for Finance and Section 151 Officer</i>)</li> </ul>

**Note:** The rate of interest chargeable on loans within categories **3** and **4** above will be determined in consultation with the **Section 151 Officer**, and having due regard to State Aid rules.

### 7.3.4. Bank accounts

The opening or closing of any Council bank account will require the prior approval of the **Section 151 Officer** and must be managed in accordance with directions issued by the **Section 151 Officer**.

The opening of additional bank accounts in the Council's name is to be avoided if possible. Where money is to be held temporarily as a bond or in joint names, this can usually be more readily achieved by use of a holding account within the Council's accounts.

### 7.3.5. Imprest accounts

Wherever possible, purchase cards will be used for low value transactions and where there are no mandated procurement contracts in place (*the use of purchase cards is covered further in section 8.2, which commences on page 54*). However, in the limited circumstances when purchase cards cannot be used, the **Section 151 Officer** may provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council.

The **Section 151 Officer** will:

- (i) Prescribe rules for operating these account;
- (ii) Determine the amount of each imprest account;
- (iii) Will maintain a record of all transactions and cash advances made; and
- (iv) Periodically review the arrangements for the safe custody and control of these advances.

Employees operating an imprest account will:

- (i) Obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained.
- (ii) Make adequate arrangements for the safe custody of the account.
- (iii) Produce cash and all vouchers to the total value of the imprest amount.
- (iv) Record transactions promptly.
- (v) Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder.
- (vi) Ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.
- (vii) Provide the **Section 151 Officer** with a certificate of the value of the account held at 31 March each year.

### 7.3.6. Trust funds and funds held for third parties

All trust funds will, wherever possible, be held in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities relating to the trust with the **Section 151 Officer**, unless the deed provides otherwise.

Trust funds will be operated within any relevant legislation and the specific requirements for each trust.

Where funds are held on behalf of third parties, for their secure administration, written records will be maintained of all transactions.

### 7.4. Staffing

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

Executive Directors have primary responsibility for their establishment and are accountable for compliance with establishment and financial controls. Executive Directors are responsible for ensuring that positions are only created as new requirements and associated funding emerge, and are deleted or modified as needs and funding change. They will ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

The **Section 151 Officer** will advise Executive Directors on areas such as National Insurance and pension contributions, as appropriate.

### 7.5. Intellectual property

Intellectual property is a generic term that includes inventions and writing. If an employee creates these during the course of employment then, as a general rule, they belong to the Council, not to the employee.

Executive Directors will ensure that their staff are not carrying out private work in Council time and that their staff are aware of the Council's rights with regard to intellectual property.

Instances where intellectual property has been (or may be) created which has, or may have, commercial value to the Council should be referred to the relevant Executive Director(s).

## 8. Income and Expenditure

### 8.1. Income

#### 8.1.1. Introduction

Effective income collection systems are necessary to ensure that all income due to the Council is identified, collected, receipted and banked properly.

Wherever possible, income should be collected in advance of supplying goods or services. Such an approach will avoid the time and cost of administering debts, and negates the possibility of a bad debt.

It is the responsibility of Executive Directors to ensure that staff authorised to act on their behalf in respect of income collection are clearly identified.

Executive Directors will supply the **Section 151 Officer** with details relating to work done, goods supplied, services rendered or other amounts due, to enable invoices to be raised promptly for sums due to the Council, and to ensure that such amounts are properly recorded as due to the Council.

#### 8.1.2. Income collection

The **Section 151 Officer** will agree the arrangements for the collection of all income due to the Council and approve the procedures, systems and documentation for its collection. In relation to the collection of income, the **Section 151 Officer** and Executive Directors will ensure that:

- (i) All money received by, or on behalf of, the Council is paid fully and promptly into the appropriate Council bank account in the form in which it is received.
- (ii) Income is not used to cash personal cheques or other payments.
- (iii) Appropriate details are recorded onto paying-in slips to provide an audit trail.
- (iv) A record is kept of money received directly by employees of the Council.
- (v) The receiving officer signs for the transfer of funds, and the transferor must retain a copy.
- (vi) Wherever possible, at least two employees are present when post is opened so that money received by post is properly identified and recorded; this requirement must be met where post regularly contains money.
- (vii) Money collected and deposited is reconciled to the appropriate bank account on a regular basis.

- (viii) The responsibility for cash collection is separated from that for identifying the amount due and that responsibility for reconciling the amount due is separated from handling of the amount received.
- (ix) Income is only held on premises up to levels approved by the **Section 151 Officer**. All such income will be locked away to safeguard against loss or theft, and to ensure the security of cash handling.
- (x) All appropriate income documents are retained and stored for the defined period in accordance with the Council's [Information Management policies and guidance](#).
- (xi) The **Section 151 Officer** is advised of outstanding income relating to the previous financial year as soon as possible after 31 March, and in line with the timetable for closure of the accounts determined by the **Section 151 Officer**.

### 8.1.3. Debt recovery

Amounts owed to the Council will be recorded by billing the customer or client in accordance with the Council's Income Management framework.

Executive Directors will ensure that a clear framework is in place within their areas of responsibility which defines who is empowered to raise a debt on the Council's behalf.

Once debts are raised, Executive Directors have a responsibility to assist the **Section 151 Officer** in collecting the debts that they have originated by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.

### 8.1.4. Writing off debts

Executive Directors will critically review outstanding debts on a regular basis, in conjunction with the **Section 151 Officer**, and take prompt action to write off debts no longer deemed to be recoverable.

No bona fide debt may be cancelled, other than by formal write off. The approval required to write off any debt is as follows:

Amount	Minimum approval required
Up to £10,000	Budget Holder
In excess of £10,000, and not more than £25,000	Director ( <i>following consultation with the Budget Holder</i> )
In excess of £25,000, and not more than £50,000	Executive Director ( <i>following consultation with Director</i> )
In excess of £50,000, and not more than £100,000	Section 151 Officer ( <i>following consultation with Executive Director</i> )

Amount	Minimum approval required
In excess of £100,000 not more than £250,000	<b>Service Cabinet Member</b> ( <i>following consultation with the the <b>Executive Director</b> and <b>Section 151 Officer</b></i> )
More than £250,000	<b>Cabinet Member for Finance</b> ( <i>following consultation with the <b>Section 151 Officer</b> and the <b>Service Cabinet Member</b></i> )

A record must be maintained for all debts written off. The appropriate accounting adjustments must be made following approval to write-off a debt.

Where debts have been referred to Essex Legal Services, the **Section 151 Officer** will have due regard to their advice when considering action relating to bad debts.

### 8.1.5. Credit notes

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, and once it is confirmed that the debt is not payable.

Credit notes will not be issued:

- (i) For irrecoverable debts, as the formal write off procedure should be followed.
- (ii) Where the debtor cannot afford to pay at that time. The debt should remain, and revised payment terms agreed, as appropriate.
- (iii) Where a debt is to be recovered through deductions from payments. In such instances, the deductions made should be offset against the debtor.

Credit notes will be subject to the approval of the Head of Service / operational budget holder.

## 8.2. Purchasing and procurement

### 8.2.1. Introduction

The Council applies a standardised approach to purchasing and procurement, according to the complexity and level of risk involved. Sourcing activity therefore depends on whether the work, goods or services are available via one of the Council's corporate mandated contracts and, if not, on:

- (i) What is being procured;
- (ii) The value of the procurement;
- (iii) The contract terms; and
- (iv) Whether there is likely to be a transfer of staff, safeguarding, clinical governance or information security requirements as a consequence of the procurement.

Compliance with the Council's procedures helps to ensure that value for money is obtained from its purchasing arrangements.

### 8.2.2. Purchasing via corporate contracts

The Council has a number of corporate mandated contracts in place through which standardised supplies and materials must be procured. Details of the corporate mandated contracts are available on the Intranet.

The Council's Purchase-to-Pay system must be used for ordering goods via a corporate mandated contract.

### 8.2.3. Procurement

Where there is no corporate mandated contract in place, it is necessary to follow the procurement approach laid out within the Council's [Procurement Rules](#).

There is no requirement for competition for very low risk procurements (i.e. those up to **£10,000** or such other limit set out in the Procurement Rules). Such procurements can be made using:

- (i) An ECC Purchase Card (*the use of which is set out in the Council's [Purchase Card Policy](#)*);
- (ii) The Council's Purchase to Pay system; or
- (iii) The Council's Electronic Payments Tool.

All other work, goods and services must be procured following a competitive process that reflects the relative risks of the procurement (i.e. as laid out within the Council's [Procurement Rules](#)).

Officers involved with engaging contractors, and/or with purchasing decisions, have a responsibility to declare:

- (i) Any links or personal interests that they may have with purchasers, suppliers and/or contractors; and
- (ii) Any gifts or hospitality offered by, or received from, purchasers, suppliers and/or contractors.

The necessity to make such declarations arises from the requirements outlined in paragraphs **6.5.2** and **6.5.3**.

All new contracts must also be recorded and retained in the corporate contracts register in accordance with the [Procurement Rules](#).



Where a third party is procuring goods, work or services on behalf of the Council then the relevant officer(s) must ensure that the third party is aware of and complies with the Council's procurement procedures.

Managers responsible for letting contracts should regularly review contractors' performance and address errors, poor performance and/or mis-representation, and to invoke service credits where applicable.

### 8.3. Ordering and paying for work, goods and services

#### 8.3.1. Orders for work, goods and services

Orders for work, goods and services must:

- (i) Be in a form approved by the **Section 151 Officer**.
- (ii) Be raised via one of the Council's Purchase-to-Pay systems and issued to the supplier prior to receipt of goods or services or commencement of works. The only exceptions are for periodic payments such as rent or rates and petty cash or purchase card purchases.
- (iii) Not be raised for any personal or private purchases.
- (iv) Be authorised in accordance with the Council's Constitution and by someone of at least the seniority set out below:
  - a. Where the order is issued to reflect a procurement decision taken by Members then the order may be authorised by the operational budget holder;
  - b. Where (a) does not apply, and the order will have effect for more than a year and have a value in excess of **£150,000**, then the order must be authorised by an Executive Director;
  - c. In other cases the order must be authorised in accordance with the table below:

Level	Financial limit	Minimum approval required	Allocated cost centres
L3	Up to £2m	Directors	As defined by Executive Director
L4	Up to £500,000	Heads of Service (i.e. when designated as the operational budget holder)	As defined by Director
L5	Up to £150,000	Officers authorised to act on behalf of the Operational Budget Holder	As defined by the Head of Service

Contracts with a value of under **£1m** may be signed by:

- (i) A person who is authorised to issue an order for that contract; or
- (ii) The **Monitoring Officer** or **Section 151 Officer** or the **Director** with responsibility for **Essex Legal Services** (or a person authorised by any of them).

Contracts with a value of more than **£1m** must be in writing and must be signed in accordance with the Constitution (i.e. by an **Executive Director** or the **Chief Executive** or be affixed under the **common seal** of the Council). Electronic signatures are acceptable if in a form approved by the **Monitoring Officer**.

Executive Directors must maintain a list of staff designated as authorised signatories, identifying in each case the limits of their authority. The authorised signatory list underpins and supports the signatory process, as any officer seeking to commit expenditure will be verified against the database to ensure they have the delegated power to do so.

No one may authorise an order unless they are satisfied that:

- (i) The work, goods and services ordered are appropriate and needed;
- (ii) There is adequate budgetary provision;
- (iii) Where a suitable corporate mandated contract exists, this has been used;
- (iv) Where there is no corporate mandated contract, the Council's [Procurement Rules](#) have been adhered to.

### 8.3.2. Receipt of work, goods and services

Work, goods and services must be checked upon receipt to ensure they are in accordance with the order. Wherever possible, goods should not be received by the person who approved the order.

For work, goods or services obtained using a **Purchase Card** it is the cardholder's responsibility to ensure that this is done in compliance with the Council's [Purchase Card Policy](#).

For work, goods or services ordered via the Council's Purchase-to-Pay system, the receipt of work, goods and services must be recorded against the original purchase order prior to receipt of an invoice, in order to provide approval to pay the invoice.

### 8.3.3. Payment of suppliers

For items ordered via the Council's Purchase-to-Pay system, the **Section 151 Officer** will make payments from the Council's funds upon the receipt of proper original, certified copy or valid electronic VAT invoice provided that:

- (i) A valid **purchase order number** is quoted on the suppliers' invoice; and

- (ii) Confirmation of receipt of the work, goods or services has been provided and the invoice is consistent with the receipted amount.

Invoices received which do not quote an approved purchase order number are not valid and will be returned to the supplier unpaid.

The **Section 151 Officer** will also make payments from the Council's funds upon the receipt of proper original, certified copy or valid electronic VAT invoices that have been checked, coded and certified in accordance with the thresholds set out on page 56, confirming:

- (i) The receipt of goods or services to the correct price, quantity and quality standards;
- (ii) That the invoice has not previously been paid;
- (iii) That expenditure has been properly incurred and is within budget provision;
- (iv) That prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
- (v) That discounts have been taken where available; and
- (vi) The correct accounting treatment of tax.

Payments to creditors will be made as soon as possible within agreed payment terms, in order to avoid late payment charges under the **Late Payment of Commercial Debts (Interest) Act 1998**, as amended by the **Late Payment of Commercial Debts Regulations 2013**.

Any invoice in dispute with a supplier must be clearly identified and processed in accordance with guidance issued by the **Section 151 Officer**.

It is not permissible to make a payment in advance of the delivery of works, goods or services, or to vary the Council's standard settlement terms, other than with the prior approval of the **Section 151 Officer**.

Executive Directors will notify the **Section 151 Officer** immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision. In such cases, appropriate budget provision should be sought, either by way of a virement (see paragraph 4.3.3) or by way of a supplementary estimate (see paragraph 4.3.4).

The normal methods of payment by the Council shall be by:

- (i) BACS payments direct into suppliers' bank accounts;
- (ii) Purchase Card (*in accordance with the Council's [Purchase Card Policy](#)*).

In exceptional circumstances, where suppliers are unable to accept payment via BACS, cheques will be issued by the **Section 151 Officer**. The use of direct debits to make payments will require the prior agreement of the **Section 151 Officer**.

All appropriate evidence of the transaction and payment documents will be retained and stored in accordance with the Council's [Information Management policies and guidance](#). Executive Directors must advise the **Section 151 Officer**, at the end of each financial year, of outstanding expenditure relating to the financial year just ended, in line with the timetable for closure of the accounts determined by the **Section 151 Officer**.

#### 8.3.4. Contracts for construction and alterations to buildings / civil engineering works

The systems and procedures for dealing with the financial aspects of contracts for construction and alterations to buildings and for civil engineering works must be agreed with the **Section 151 Officer**. This will include the systems and procedures for the certification of interim and final payments, checking, recording and authorising payments, for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.

### 8.4. Authority to make payments

For payments other than those arising from purchasing and procurement, transactions must be authorised in accordance with the table below:

Level	Financial limit	Minimum approval required	Allocated cost centres
L1	Over £2m	Chief Executive	All
L2	Over £2m	Section 151 Officer	All
L2	Up to £2m	Executive Directors	All related to areas of responsibility
L3	Up to £1m	Directors	As defined by Executive Director
L4	Up to £500,000	Heads of Service (i.e. when designated as the operational budget holder)	As defined by Director
L5	Up to £150,000	Officers with delegated authority to act on Operational Budget Holder's behalf	As defined by the Head of Service

### 8.5. Payments to Employees and Members

#### 8.5.1. Salaries

Staff appointments will be made in accordance with the Council's [Recruitment Guidance](#), establishments, grades and scales of pay.

The **Section 151 Officer** is responsible for all payments of salaries and overtime to staff (*with the exception of those schools that have the delegated power to procure their payroll function from elsewhere*). The **Section 151 Officer** will therefore:

- (i) Arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with prescribed procedures, on the due date.
- (ii) Record and make arrangements for the accurate and timely payment of tax, pensions and other deductions.

The **Section 151 Officer** is responsible for ensuring there are adequate arrangements for administering pension matters on a day-to-day basis.

Executive Directors must ensure that effective systems and procedures are operated, so that:

- (i) Payments are only made to bona fide employees.
- (ii) Payments are only made where there is a valid entitlement.
- (iii) Conditions and contracts of employment are correctly applied.
- (iv) Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

The **Section 151 Officer** and **Director** with responsibility for **organisation development and people** will advise upon the employment status of individuals employed on a self-employed consultant or sub-contract basis.

### 8.5.2. Expenses and allowances

The **Section 151 Officer** is responsible for the payment of certified expense claims submitted by employees that are made in accordance with the Council's [travel and subsistence guidance](#). Certification of travel and subsistence claims is taken to mean that journeys were authorised and expenses properly and necessarily incurred for business purposes, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Further guidance is provided in the Travel and Subsistence Guidance.

The **Section 151 Officer** is also responsible for the payment of Members' travel or other allowances. Members expenses must be claimed in accordance with the provisions set out in the Payments and Claims section of the [Constitution](#).

The **Section 151 Officer** will ensure that taxable allowances and benefits are accounted for, recorded and returned, where appropriate, to HM Revenue and Customs. Details of any employee benefits in kind must be notified to the **Section 151 Officer** to enable full and complete reporting within the income tax self-assessment system.

Due consideration should be given to tax implications, ensuring that advice is sought and the **Section 151 Officer** is informed where appropriate.

### 8.5.3. Ex-gratia payments

Ex-gratia payments are one-off payments made to an employee or former employee as a gesture of goodwill, and not because there is a legal or contractual obligation to do so. They include compromise and other payments made for loss of office.

Ex-gratia payments can be made to employees or former employees subject to obtaining the following approval:

Amount	Minimum approval required
Up to £5,000	Budget Holder.
In excess of £5,000, but not more than £10,000	Director ( <i>following consultation with the Budget Holder</i> )
In excess of £10,000 but not more than £50,000	Executive Director ( <i>following consultation with the Director</i> )
More than £50,000	Section 151 Officer ( <i>following consultation with the Executive Director</i> )

The circumstances of the proposed payment must not have the effect of circumventing other Council pay and allowance policies, tax rules or other legislation.

## 8.6. Taxation

The **Section 151 Officer** is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council either directly, as a consequence its own activities, or indirectly, as a consequence of service delivery through external partners.

To enable the **Section 151 Officer** to fulfil the requirements of this role, Executive Directors will:

- (i) Ensure that the **Section 151 Officer** is consulted on all proposals that may alter or affect the Council's tax liability, including proposals to implement alternative service delivery models (as outlined in section 9.1, which commences on page 63).
- (ii) Ensure that the [VAT guidance](#) issued by the **Section 151 Officer** is complied with (*i.e. to ensure that the correct liability is attached to all income due and that all amounts recoverable on purchases can be claimed*).
- (iii) Ensure that, where construction and maintenance works are undertaken, the sub-contractor fulfils the necessary **construction industry tax scheme** requirements (*as advised by the Section 151 Officer*).

- (iv) Ensure that the **Executive Director for Corporate Service's** guidance on [fee payments](#) to consultants, individuals or partners is complied with.

The **Section 151 Officer** will maintain the Council's tax records, make all tax payments, receive tax credits and submit tax returns by their due date, as appropriate.

## 8.7. Emergency Payments

Emergency payments may arise as a consequence of unforeseen circumstances (e.g. as a consequence of a natural disaster, a civil emergency or a court order etc.) where budget provision has not been made and the payment cannot be covered within the relevant service's existing budget.

Emergency payments can only be made in extenuating circumstances with the following approval (as a minimum):

Amount	Approval required
Up to £500,000	<b>Executive Director</b> <i>The Executive Director will notify the <b>Section 151 Officer</b> as soon as practicable after the event that the emergency payment has been made.</i>
In excess of £500,000, but not more than £2m	<b>Chief Executive or the Section 151 Officer</b> (following consultation with the <b>Cabinet Member for Finance</b> )
More than £2m	<b>Cabinet Member for Finance</b> (following consultation with all of the above)

Details of emergency payments made within the financial year will be reported retrospectively to the Cabinet.

## 8.8. Transparency

To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, regardless of value. Monthly payment transactions made via purchase card, employee expenses and accounts payable are available to download via the Council's [ECC Spending Information](#) website.



## 9. External Arrangements

### 9.1. Alternative delivery models

#### 9.1.1. Introduction

Services may be commissioned from retained services within the Council or via an alternative delivery models. There are various types of alternative delivery model, including, but not limited to:

- (i) **Local Authority Trading Company (LATC)** - separate legal entity in which the Council has an interest that trades for profit with both public and private bodies. An LATC could have a number of legal forms including a company limited by shares, a company limited by guarantee, a community benefit society or a cooperative society.
- (ii) **Joint Ventures** - set up as separate corporate entities joining two or more parties for the purpose of executing a business undertaking. They are able to trade for profit.
- (iii) **Charitable incorporated organisation** - a corporate entity which is regulated by the Charities Commission; surpluses are reinvested in the company.
- (iv) **Social Enterprises** - businesses trading for social and environmental purposes.
- (v) **Outsourcing** - contractual arrangement between the Council and a private provider for the delivery of an agreed service, which involves the transfer of Council staff to the private provider. The outsourced provider can charge its customers and make a profit.
- (vi) **Social Impact Bonds** – contract to achieve agreed social outcomes through a programme of interventions delivered by a number of service providers.
- (vii) **Joint Committee** – joint bodies set up, by agreement, to discharge or carry out activities in conjunction with others.
- (viii) **Unincorporated association** – pooling of resources with other public sector bodies as a means of facilitating joint working in the provision of services.

This list is not intended to be exhaustive, but is provided to illustrate the range and diversity of alternative service delivery models. Any intention to commission services through such a model must only be pursued in compliance with the decision making process outlined in paragraph 9.1.2 below.

#### 9.1.2. Business Cases for alternative delivery vehicles

Any proposal to commission services via an alternative delivery vehicle must be developed through the Council's business case governance framework and using the [business case template](#), to ensure that there is a robust planning and decision-making process in place.

In the event that it is proposed to establish a local authority owned company, the Council's Company Compliance Protocol must also be adhered to.

The Business Case must clearly articulate the options being considered and measure these against the desired outcomes. It should also set out whether there is a statutory basis for the provision of the service or activity under consideration.

Executive Directors are responsible for ensuring that the Council's governance framework is followed through all stages of the business case development and decision making process, and that specialist advice is sought from the following key stakeholders across the Council, at all each stage in the development of the business case:

- (i) **Section 151 Officer** (*including financial, cash management and tax advice*);
- (ii) **Director, Legal and Assurance** (*including Monitoring Officer, Internal Audit and Organisational Risk advice*);
- (iii) **Director, Essex Pension Fund**;
- (iv) **Director, Business Operations** (*including payroll, purchase to pay, income collection, facilities management and business support advice*); and
- (v) **Director, Transformation**;
- (vi) **Director, Commercial and Traded Services**;
- (vii) **Director, Organisation Development and People**.

Executive Directors are also responsible for ensuring that Cabinet approval is obtained before any contract negotiations and/or financial transactions are entered into, and that all agreements and arrangements are properly documented.

The Cabinet is responsible for approving the Council's participation in all significant partnerships / joint working arrangements with other local public, private, voluntary and community sector organisations.

Executive Directors, following advice from the key stakeholders listed above (*including the **Section 151 Officer** and **Monitoring Officer***), will advise the Cabinet on the key elements of arrangements for commissioning services via an alternative delivery model, including:

- (i) The financial roles and responsibilities of the Council with respect to monitoring of the alternative delivery model provider.
- (ii) Appraisal of financial and non-financial risks, together with mitigation plans. The reputational impact of failure to deliver services should be considered, with clear plans on how this would be addressed.
- (iii) A comprehensive list of all the financial commitments the Council will enter into as a result of adopting the alternative service delivery model.
- (iv) The governance arrangements for decision making, and how these will be carried out to ensure that the services provided remain aligned to those of the Council.
- (v) Performance measurement arrangements.

- (vi) Exit arrangements, and what would be done to ensure services continue to be delivered in the event of non-delivery by the service provider.
- (vii) The financial implication (including taxation and cash management issues) arising as a consequence of the proposed alternative delivery model.
- (viii) Transfer of Council assets to the proposed delivery vehicle, and arrangements for safeguarding their title and use.
- (ix) Whether equality, sustainability, recruitment and employment practices, data handling and protection, freedom of information principles, standards and behaviour and arrangements for engaging with citizens and service users are aligned to the Council's legal requirements and policies.
- (x) Audit requirements (both internal and external) and arrangements for the Council's auditors, where relevant, to have access to information.
- (xi) Arrangements for providing information required for the Council's Statement of Accounts to the **Section 151 Officer**.
- (xii) In the event that the proposal is for a local authority trading company, a dividend policy should be agreed that sets out the process by which decisions will be taken regarding the retention or distribution of profits.
- (xiii) Pensions advice.

Where it is proposed to establish a local authority trading company, the new company will use the Council's support service functions, and use the Council's property (and its facilities management services) for the delivery of services on behalf of the Council, unless and until otherwise agreed by the **Executive Director, Corporate Services**. They will bear the full cost of the services provided by the Council's support service functions.

## 9.2. Partnerships

### 9.2.1. Context

Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it, but it does not include situations where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project. It is important to understand and distinguish between a partnership in this context and a supplier who the Council may refer to as a 'partner' due to the status that the Council has contractually awarded to it. Irrespective of the title applied to it, this latter type of partnership is a supplier relationship, which will be entered into in accordance with, and governed by, the Council's Procurement Policy and Procedures.

### 9.2.2. Forming of partnerships

The approval of both the **Section 151 Officer** and the **Monitoring Officer** must be obtained prior to the Council entering into any formal partnership agreement. The approval of the **Section 151 Officer** must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership. This is to ensure that the:

- (i) Legal status and financial viability of the arrangement are clearly established and that they are acceptable.
- (ii) Council's financial commitment to the partnership is quantified and that this can be accommodated within the existing budget provision.
- (iii) Financial and corporate governance arrangements in place for the partnership are robust, and acceptable from the Council's perspective.
- (iv) The Council is not exposed to undue financial, legal or reputation risk as a consequence of its involvement in the partnership.
- (v) Council's own financial accounting and reporting requirements can be satisfied.

A partnership agreement must be produced that documents each of these matters, and the arrangements for dispute resolution and for exiting the arrangement.

The Cabinet is responsible for approving delegations and frameworks for all partnerships.

Executive Directors will ensure that:

- (i) The approval of the **Section 151 Officer** and the **Monitoring Officer** is obtained prior to entering into a partnership agreement.
- (ii) An appraisal is undertaken which demonstrates that the risks associated with the arrangement are minimal, or that appropriate arrangements are in place to mitigate any such risks.
- (iii) The partnership agreement and arrangements will not impact adversely upon the services provided by the Council or upon its finances.
- (iv) The proposed financial contribution by the Council to the partnership can be met from existing budget provision.
- (v) Cabinet approval is secured for all delegations and frameworks for the proposed partnership.

### 9.2.3. Delegation of budget to a partnership

The delegation of budget to a partnership (whether or not the arrangement is binding on the parties), where money is normally spent in accordance with the wishes of a group of individuals or organisations, is subject to approval as follows:

Amount	Minimum approval required
Less than £250,000	Director
£250,000 and above, but not more than £500,000	Executive Director ( <i>following consultation with the Director</i> )
£500,000 and above, but not more than £2m	Section 151 Officer ( <i>following consultation with Executive Director</i> )
£2m and above, but not more than £5m	Cabinet Member for Finance ( <i>following consultation with Executive Director and the Section 151 Officer</i> )
More than £5m	Cabinet ( <i>following consultation with the Section 151 Officer and the Cabinet Member for Finance</i> )

### 9.2.4. Financial administration

Where the Council is the 'accountable body' for a partnership, these Financial Regulations apply to decisions relating to the expending of that money. All expenditure must be authorised by an appropriate ECC officer, or by someone else who has a statutory power to authorise expenditure. Executive Directors are responsible for ensuring that the Council is promoting and applying the same high standards of financial administration to the partnership that apply throughout the Council.

Whenever any such arrangements are made there must be a written document which clearly establishes the responsibilities of the respective partners for managing the arrangement and the resources made available to the partnership. The document must also set out the arrangements in respect of unspent funding at each year end, unless this is to be returned to the Council as unspent money, and for addressing any over spend.

Executive Directors must provide information on the partnership arrangements to the **Section 151 Officer**, in order that the appropriate disclosures can be made within the Council's annual Statement of Accounts.

### 9.2.5. Documenting and recording of partnership agreements

Executive Directors must ensure that all partnership agreements and arrangements are properly documented, and that all money for which the Council is accountable is spent via a written contract with the recipient (even if the recipient is a party to the arrangements) and that a register of those contracts must be maintained in accordance with procedures specified by the **Section 151 Officer**.

### 9.2.6. Representing the Council

Executive Directors will ensure that the Council has full oversight of the operation of the arrangements. This will usually be by officer support and by representation on the 'partnership board' by Members of the Council.

Executive Directors will ensure that appropriate officer input is provided to support Members in this role, and that all decisions made by the Council are discharged as permitted within the Scheme of Delegation that forms part of the Council's Constitution.

## 9.3. External Funding

### 9.3.1. Funding conditions

External funding is an important source of income to the Council, but funding conditions need to be carefully considered prior to entering into agreements, to ensure that:

- (i) They are compatible with the aims and objectives of the Council;
- (ii) The necessary procedures are in place to meet funding conditions and reporting requirements; and
- (iii) Appropriate budget provision is available if 'match funding' is required.

All bids for external funding bids must comply with the Council's bids process.

### 9.3.2. Accounting for external funding

The **Section 151 Officer**, in conjunction with Executive Directors must, as appropriate, ensure that all funding awarded or committed by external bodies is received and properly recorded in the Council's accounts. This will include ensuring that claims for funding are made by the due date, and in accordance with the funding conditions.

### 9.3.3. External funding claims

The **Section 151 Officer** and Executive Directors must, as appropriate, satisfy audit requirements in respect of external funding claims. This includes maintaining appropriate records that accord with the funding conditions, and making these available to the auditors as required.

### 9.3.4. Third party expenditure

Sometimes, grant funding awarded to the Council may be passed to an organisation falling outside of the direct responsibility of the Council. The Council will however remain accountable for the grant funding and, as such, will be responsible for ensuring that all of the terms of the grant are met.

The Executive Director in receipt of the grant must ensure that effective monitoring and reporting procedures are in place to provide assurances over the eligibility of expenditure incurred by the third party and the delivery of outcomes. Upon audit, if the eligibility of third party expenditure cannot be proven by the Council, the Council will itself usually be required to return the grant funding to the awarding body.

## 9.4. Work by the Council for Third Parties

### 9.4.1. Approval to contractual arrangements

Work can only be undertaken for third parties where the Council has the legal powers to undertake the work. Where such legal powers exist, Executive Directors are responsible for:

- (i) Approving the contractual arrangements for any work undertaken by their services for third parties or external bodies.
- (ii) Ensuring that the appropriate expertise exists to fulfil the contract.
- (iii) Ensuring that no contract adversely impacts upon the services provided by the Council.

### 9.4.2. Financial aspects of third party contracts

With regard to the financial aspects of third party contracts, Executive Directors will:

- (iv) comply with any guidance issued by the **Section 151 Officer** and will ensure that the appropriate insurance arrangements are made.
- (v) Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract.
- (vi) Ensure that the Council is not exposed to the risk of bad debts.



### 9.4.3. Documenting and recording contracts

A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement. Executive Directors will provide information on the contractual arrangements to the **Section 151 Officer** as requested, in order that the appropriate disclosures can be made within the Council's annual statement of accounts.

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## 10. Financial Limits

### 10.1. General

Throughout these Regulations, there are various financial limits. These limits have been brought together in this section, for ease of reference. The following tables summarise the minimum level of approval required on each matter; in the event that an officer at the specified level is unable to take a decision for any reason then the decision may be taken at a higher level in the organisation. This section is intended to set limits out in one place but it applies subject to any limitations set out elsewhere in Financial Regulations

### 10.2. Revenue budget virements

Paragraph 4.3.3 set out the Scheme of Virement. This explains that virements that are being actioned to effect a change in policy or priorities (*either within the same portfolio or between portfolios*) will be subject to the following approval:

Amount	Minimum approval required
<b>Up to and including £500,000</b> <i>(Subject to the aggregation rule in 4.3.3 (xiii))</i>	<b>Director</b> ( <i>following consultation with the <b>Budget Holder</b></i> )
<b>In excess of £500,000, but no more than £2m</b> <i>(Subject to the aggregation rule in 4.3.3 (xiii))</i>	<b>Executive Director</b> ( <i>following consultation with <b>Section 151 Officer</b> and <b>Service Cabinet member(s)</b></i> ).
<b>More than £2m and above, but no more than £5m</b>	<b>Cabinet Member for Finance</b> ( <i>following consultation with <b>Executive Director</b>, <b>Section 151 Officer</b> and <b>Service Cabinet Member(s)</b></i> )
<b>More than £5m</b>	<b>Cabinet</b> ( <i>following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b></i> )

### 10.3. Supplementary funding

All requests for supplementary funding are subject to the approval of Cabinet or the Cabinet Member for Finance (as detailed in paragraph 4.3.4).

As noted in paragraph 4.3.4, where supplementary funding is provided for a project that slips into the following financial year, or which progresses ahead of schedule, the supplementary funding can be re-profiled between financial years without the need for

further approval up to a threshold of **£500,000**. The approval of Cabinet is required to re-profile supplementary funding in excess of **£500,000**.

#### 10.4. Capital expenditure

As noted in paragraph **3.4.1**, the Council applies various de-minimis limits below which items that meet the definition of capital expenditure will be charged to revenue on the grounds of materiality. The limits are as follows:

De-minimis limits	£
<b>General limit</b> ( <i>to be applied where no specific limit is applicable</i> )	<b>10,000</b>
<b>Specific limits</b>	
▪ Schools' capital projects funded or supported by Formula Capital Grants	<b>2,000</b>
▪ Transport (Highways) infrastructure	<b>Nil</b>
▪ Land	<b>Nil</b>

#### 10.5. Capital monitoring and control

Section **4.5** sets out the arrangements for making changes to the capital programme in-year, as follows.

##### 10.5.1. Applying under spends to offset over spends

Where it is intended to redress an over spend against one scheme or 'block' approval by achieving savings against another project, the following consent is required to align the payment guidelines and scheme approvals for both projects:

Amount	Minimum approval required
<b>Up to and including £500,000</b>	<b>Director</b> ( <i>following consultation with the <b>Section 151 Officer</b>, to ensure that there are no adverse implications upon capital financing resource, and <b>Budget Holder</b></i> )
<b>In excess of £500,000, but not more than £2m</b>	<b>Executive Director</b> ( <i>following consultation with <b>Section 151 Officer</b> and <b>Service Cabinet Member(s)</b></i> ) unless the saving being utilised is greater than 25% of the project or block approval that it is to come from, in which case the next level of approval is required.
<b>More than £2m, but not more than £5m</b>	<b>Cabinet</b> ( <i>following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b></i> )
<b>More than £5m</b>	<b>Cabinet</b> ( <i>following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b></i> )

### 10.5.2. Re-profiling of payment guidelines between years

For schemes with 'starts approval', the re-profiling of capital payment guidelines between financial years is subject to agreement as follows:

Amount	Minimum approval required
Up to and including £500,000	<b>Director</b> ( <i>following consultation with the <b>Section 151 Officer</b>, to ensure that there are no adverse implications upon capital financing resources, and <b>Budget Holder</b></i> )
In excess of £500,000, but not more than £2m	<b>Executive Director</b> ( <i>following consultation with <b>Section 151 Officer</b>, <b>Cabinet Member for Finance</b> and <b>Service Cabinet Member</b>, unless the amount being re-profiled is greater than <b>25%</b> of the project or block approval, in which case the <b>£2m</b> and above level of approval is required.</i> )
More than £2m above, but not more than £5m	<b>Cabinet Member for Finance</b> ( <i>following consultation with <b>Executive Director</b>, <b>Section 151 Officer</b> and <b>Service Cabinet Member</b></i> )
More than £5m	<b>Cabinet</b> ( <i>following consultation with <b>Cabinet Members</b> as above, <b>Executive Director</b> and <b>Section 151 Officer</b></i> )

### 10.5.3. Adding scheme and payment approvals to the Capital Programme

Any request to change the capital programme outside of the annual budget setting by adding or removing schemes, by allocating additional scheme and payment approvals to an approved scheme or by accelerating a scheme within the programme must be approved as follows:

Amount	Minimum approval required
Up to £5m	<b>Cabinet Member for Finance</b> ( <i>following consultation with the <b>Executive Director</b>, <b>Section 151 Officer</b> and the <b>Service Cabinet Member</b></i> )
£5m and above	<b>Cabinet</b> ( <i>following consultation with all of the above</i> )

### 10.6. Settling insurance claims

As set out in paragraph 6.3, the settling of insurance claims against the Council will be subject to approval as follows:

Amount	Minimum approval required
Up to £20,000	Senior Claims Handler
In excess of £20,000 and up to £150,000	Insurance Manager
In excess of £150,000 and up to £1m	Director with responsibility for insurance arrangements ( <i>in consultation with Insurance Manager</i> )
In excess of £1m	Section 151 Officer ( <i>in consultation with Director as above</i> )

### 10.7. Property transactions

Paragraph 7.1.4 sets out the approval required for property transactions, as follows:

Amount	Minimum approval required
Up to £250,000	Head of Property Management.
In excess of £250,000, but less than £500,000	Director with responsibility for Property Management ( <i>following consultation with the Head of Property Management.</i> )
£500,000 and above, but less than £2m	Executive Director with responsibility for Property Management ( <i>following consultation with the Director as above and the Cabinet Member with responsibility for Property Management</i> )
£2m and above but less than £5m	Cabinet Member with responsibility for Property Management ( <i>following consultation with Executive Director as above and the Cabinet Member for Finance</i> )
£5m and above	Cabinet ( <i>following consultation with Cabinet Members as above and Executive Director as above</i> )

Notwithstanding the above thresholds, the approval of the **Cabinet Member for Finance** must be obtained (*after consulting the Cabinet Member with responsibility for Property*) if it is proposed to dispose of the freehold (or a leasehold interest with at least seven years unexpired) in the whole of the Council's interest in a property at a value which is below market value and/or the book value in the previous year's Balance Sheet.

The approval of the **Cabinet Member for Finance** must also be obtained (after consulting the **Cabinet Member** with responsibility for **Property**) if the amount to be realised from the sale of part of an asset will reduce the book value of the remaining asset by more than is being realised.

### 10.8. Disposal of other assets

Paragraph 7.1.5 sets out the approval required for the disposal of other assets, as follows:

Amount	Minimum approval required
Up to £250,000	Head of Service
In excess of £250,000, but not more than £500,000	Director ( <i>following consultation with the <b>Head of Property Management</b>.</i> )
£500,000 and above, but not more than £2m	Executive Director ( <i>following consultation with the <b>Director and Service Cabinet Member</b></i> )
£2m and above but not more than £5m	Cabinet Member for Finance ( <i>following consultation with <b>Executive Director</b> as above and the <b>Cabinet Member</b></i> )
More than £5m	Cabinet ( <i>following consultation with <b>Cabinet Member</b> as above and <b>Executive Director</b></i> )

### 10.9. Write off of inventory

The approval required to write off inventory balances per annum is detailed in paragraph 7.2, as follows:

Amount	Minimum approval required
Up to and including £10,000	Budget Holder.
In excess of £10,000, but not more than £25,000	Director ( <i>following consultation with <b>Budget Holder</b></i> )
In excess of £25,000, but not more than £50,000	Executive Director ( <i>following consultation with <b>Director</b></i> )
In excess of £50,000, but not more than £100,000	Section 151 Officer ( <i>following consultation with <b>Executive Director</b></i> )
In excess of £100,000 not more than £250,000	Service Cabinet Member ( <i>following consultation with the <b>Executive Director</b> and <b>Section 151 Officer</b></i> )
More than £250,000	Cabinet Member for Finance ( <i>following consultation with the <b>Section 151 Officer</b> and the <b>Service Cabinet Member</b></i> )

### 10.10. Acceptance of cash payments

As noted in paragraph 6.5.6, the acceptance of cash payments of greater than **£10,000** is prohibited, other than with the prior approval of the **Section 151 Officer**.

### 10.11. Loans to Third Parties

The approval required for loans sought from the Council (paragraph 7.3.3) that are not loans to employees, treasury management investments, or loans for the purpose of financing expenditure which, if incurred by the Council, would constitute capital expenditure, requires approval as follows:

Amount	Minimum approval required
Less than £2m	Section 151 Officer
£2m and above but less than £5m	Cabinet Member for Finance <i>(following consultation with the Section 151 Officer)</i>
£5m and above	Cabinet <i>(following consultation with Cabinet Member for Finance and Section 151 Officer)</i>

The rate of interest chargeable on loans for this purpose will be determined in consultation with the **Section 151 Officer**, and having due regard to State Aid rules.

### 10.12. Writing off debts

The approval required to write off debts is detailed in paragraph 8.1.4, as follows:

Amount	Minimum approval required
Up to £10,000	Budget Holder
In excess of £10,000, and not more than £25,000	Director <i>(following consultation with the Budget Holder)</i>
In excess of £25,000, and not more than £50,000	Executive Director <i>(following consultation with Director)</i>
In excess of £50,000, and not more than £100,000	Section 151 Officer <i>(following consultation with Executive Director)</i>
In excess of £100,000 not more than £250,000	Service Cabinet Member <i>(following consultation with the Executive Director and Section 151 Officer)</i>
More than £250,000	Cabinet Member for Finance <i>(following consultation with the Section 151 Officer and the Service Cabinet Member)</i>

All debt write-offs of up to the threshold must be reported to the Service Cabinet Member.



### 10.13. Purchasing

As set out in paragraph 8.3.1, orders for work, goods and services must be authorised by someone of at least the seniority set out below:

- a) Where the order is issued to reflect a procurement decision taken by Members then the order may be authorised by the operational budget holder;
- b) Where (a) does not apply, and the order will have effect for more than a year and have a value in excess of **£150,000**, then the order must be authorised by an Executive Director;
- c) In other cases the order must be authorised in accordance with the table below:

Level	Financial limit	Minimum approval required	Allocated cost centres
<b>L3</b>	Up to <b>£2m</b>	<b>Directors</b>	<i>As defined by Executive Director</i>
<b>L4</b>	Up to <b>£500,000</b>	<b>Heads of Service</b> (i.e. when designated as the operational budget holder)	<i>As defined by Director</i>
<b>L5</b>	Up to <b>£150,000</b>	<b>Officers</b> authorised to act on behalf of the Operational Budget Holder	<i>As defined by the Head of Service</i>

Contracts with a value of under **£1m** may be signed by:

- a) A person who is authorised to issue an order for that contract; or
- b) The **Monitoring Officer** or **Section 151 Officer** or the **Director for Essex Legal Services** (or a person authorised by any of them).

Contracts with a value of more than **£1m** must be in writing and must be signed in accordance with the Constitution (i.e. by an **Executive Director** or the **Chief Executive** or be affixed under the **common seal** of the Council).

### 10.14. Other payments

Payments other than those arising from purchasing and procurement must be authorised in accordance with the limits set out in paragraph 8.4, which are listed below:

Level	Financial limit	Minimum approval required	Allocated cost centres
<b>L1</b>	Over <b>£2m</b>	<b>Chief Executive</b>	<i>All</i>
<b>L2</b>	Over <b>£2m</b>	<b>Section 151 Officer</b>	<i>All</i>
<b>L2</b>	Up to <b>£2m</b>	<b>Executive Directors</b>	<i>All related to areas of responsibility</i>

Level	Financial limit	Minimum approval required	Allocated cost centres
L3	Up to £1m	Directors	<i>As defined by Executive Director</i>
L4	Up to £500,000	<b>Heads of Service</b> ( <i>i.e. when designated as the operational budget holder</i> )	<i>As defined by Director</i>
L5	Up to £150,000	<b>Officers with delegated authority</b> to act on Operational Budget Holder's behalf	<i>As defined by the Head of Service</i>

### 10.15. Ex-gratia payments

The approval required to make ex-gratia payments to staff is set out in paragraph 8.5.3, as follows:

Amount	Minimum approval required
Up to £5,000	Budget Holder.
In excess of £5,000, but not more than £10,000	Director ( <i>following consultation with the Budget Holder</i> )
In excess of £10,000 but not more than £50,000	Executive Director ( <i>following consultation with the Director</i> )
More than £50,000	Section 151 Officer ( <i>following consultation with the Executive Director</i> )

### 10.16. Emergency Payments

As set out in paragraph 8.7, the following approval is required to make emergency payments:

Amount	Minimum approval required
Up to £500,000	Executive Director
In excess of £500,000, but not more than £2m	Chief Executive; or Section 151 Officer ( <i>following consultation with the Cabinet Member for Finance</i> ).
More than £2m	Cabinet Member for Finance ( <i>following consultation with all of the above</i> )

## 10.17. Delegation of budget to a partnership

Paragraph 9.2.3 sets out what is meant by the term ‘partnership’, and sets out the approval required to delegate budgets to a partnership as follows:

Amount	Minimum approval required
Less than £250,000	Director
£250,000 and above, but not more than £500,000	Executive Director ( <i>following consultation with the Director</i> )
£500,000 and above, but not more than £2m	Section 151 Officer ( <i>following consultation with Executive Director</i> )
£2m and above, but not more than £5m	Cabinet Member for Finance ( <i>following consultation with Executive Director and the Section 151 Officer</i> )
More than £5m	Cabinet ( <i>following consultation with the Section 151 Officer and the Cabinet Member for Finance</i> )

### 11. Other key policies and documents

#### 11.1. Introduction

The Financial Regulations should be read and used in conjunction with the Council's other policy documents and guidance. For ease of reference, links to the key documents and guidance are listed below.

#### 11.2. Human Resources

- HR Guidance - My Employment
- Officers' Code of Conduct
- Claiming Expenses Guidance
- Recruitment Guidance
- Disciplinary Policy

#### 11.3. Information handling

- Guidance for information management and security including Retention Policy
- Standards on Data Protection

#### 11.4. Procurement

- Buying Goods and Services (TCS)
- Procurement Policy and Procedures
- VAT Guidance
- Purchase Card Policy
- ECC Spending Information
- Fee Payments to Consultants

#### 11.5. Governance

- Code of Corporate Governance
- Programme and Project Governance
- Board Approvals Guidance including business case template

### 11.6. Regulatory framework

- Anti-Money Laundering Policy
- Constitution
- Counter Fraud and Anti-Bribery Strategy
- Fees and charges policy
- Risk Management Strategy
- Whistleblowing policy
- Declarations of interest policy
- Gifts and hospitality policy

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## **Part 2 – Scheme of Delegation for Financial Management**

# Scheme of Delegation for Financial Management

## 1. Introduction

The purpose of the Financial Regulations is to set out the Council's financial policies and framework for managing the Council's financial affairs. The Regulations seek to ensure that the Council conducts its affairs in a way that complies with specific statutory provisions and best professional practice. All financial and accounting procedures and delegations must therefore be carried out in accordance with the Regulations and other corporate guidance.

The purpose of this document is to set out how non-executive decisions are reserved or are delegated to officers within the Council.

## 2. Principles of Delegation

### 2.1 Introduction

The Financial Regulations are organised around seven themes of financial management as follows:

- (i) [Financial planning](#) (Section 3)
- (ii) [Financial management](#) (Section 4)
- (iii) [Accounting records and financial systems](#) (Section 5)
- (iv) [Risk Management and Internal Control](#) (Section 6)
- (v) [Control of resources](#) (Section 7)
- (vi) [Income and expenditure](#) (Section 8)
- (vii) [External arrangements](#) (Section 9)

For each of these themes, delegation arrangements are needed that support the efficient running of the Council, through appropriate allocation of tasks and responsibilities, and that contribute to an effective internal controls framework. This latter point is assessed on an annual basis through the self-assessment process that Executive Directors are asked to undertake and reported in the Annual Governance Statement.

The specific components of the internal controls framework are:

- Preventative controls (*i.e. segregation of duties, authorisation procedures, physical custody, access limitations*);
- Detective controls (*i.e. arithmetical and accounting checks, consistency checks, continuity checks*); and
- Directive controls (*i.e. written policies and procedures, reporting lines, supervision and management and training*).



# Scheme of Delegation for Financial Management

Compliance with Financial Regulations and the Scheme of Delegation for Financial Management not only enhances the Council's control environment but also protects employees against allegations of mismanagement, fraud and unprofessional conduct.

## 2.2 Powers for delegation

The Council operates a system of devolved financial management which is enshrined within its Constitution which states that any exercise of delegated powers shall be subject to:

- any statutory restrictions;
- Council Procedure Rules;
- Financial Procedure Rules;
- Procurement Policy and Procedures.

In exercising delegated powers:

- Cabinet Members and Officers shall not go beyond the provision made in the revenue or capital budgets for their service except to the extent permitted by financial procedure rules and Procurement Policy and Procedures.
- The delegated authority to Officers includes management of the human and material resources made available for the service areas and the functions concerned.
- In each case the delegated authority excludes the determination of policy, exceptions to policy and budgets by the Cabinet Member or Officer concerned.

Decisions which an officer takes under delegated powers must:

- Only implement a policy or decision previously approved or taken by the Cabinet or Cabinet Member;
- Facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by the Cabinet or Cabinet Member; or
- Relate to the management of the human, material and financial resources made available for the functions for which they are responsible.

Officers do not have the power to:

- Make changes to policies relating to fees, charges or concessions;
- Make decisions on the use of permanent savings in a budget;
- Approve the making of an order for the compulsory acquisition of land; or
- Approve the acquisition of land in advance of requirements.

# Scheme of Delegation for Financial Management

This framework reflects the Financial Regulations and allocates responsibilities to Executive Directors as follows:

- Putting in place appropriate budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets and the operation of a system of appropriate internal controls.
- Promoting the financial management standards set by the **Section 151 Officer** within their Services, and monitoring adherence to the standards and practices, liaising as necessary with the **Section 151 Officer**, and ensuring that appropriate training is provided to those staff with financial management responsibilities.
- Promoting sound financial practices in relation to the standards, performance and development of staff in their services.
- Advising Cabinet Members of the financial implications of all proposals and ensuring that the financial implications have been agreed by the **Section 151 Officer**.
- Seeking approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Signing contracts on behalf of the Council (in accordance with the Council's Procurement Policy and Procedures).
- Consulting with, and obtaining the approval of, the **Section 151 Officer** before making any changes to accounting records or procedures.
- Complying with the following principles when allocating accounting duties:
  - Separating the duties of (i) providing information about sums due to or from the Council and calculating, checking (including reconciliations) and recording these sums, from (ii) the duty of collecting or disbursing them.
  - Employees with the duty of examining or checking the accounts of financial transactions must not themselves be engaged in these transactions.
- Ensuring that claims for funds, including grants and 'match funding', are made by the due date and that appropriate records are maintained, according to funding conditions.
- Contributing to the development of performance plans in line with statutory requirements.
- Contributing to the development of corporate and service targets, objectives and performance information.

### 3. Financial Delegations

Matter	Threshold	Delegation to	Ref to Fin Regs
<b>3.1 Control of Resources</b>			<b>Section 7</b>
Ensure that borrowing and investment activities are undertaken in accordance with the parameters and limits set by the Council.		<ul style="list-style-type: none"> <li>• <b>Section 151 Officer;</b></li> <li>• Director for Financial Services; and</li> <li>• Chief Accountant.</li> </ul>	7.3.2
Day to day management of the Council's treasury management activities, ensuring that temporarily surplus funds are invested until next needed or that funds are borrowed to cover temporary shortfalls of cash.		<ul style="list-style-type: none"> <li>• Chief Accountant; and</li> <li>• Authorised dealing officers.</li> </ul>	7.3.2
Operation of a petty cash imprest account.		Nominated Petty Cash Account Holders	7.3.5
Authorisation of petty cash disbursements per item		Heads of Service / Operational Budget Holders	7.3.5
<b>3.2 Income and Expenditure</b>			<b>Section 8</b>
Authorise the payment, to relevant government agencies and other bodies, of amounts either deducted from salaries, or related to officers' remuneration.		<ul style="list-style-type: none"> <li>• <b>Section 151 Officer;</b> or</li> <li>• Director for Corporate Operations</li> </ul>	8.5.1
Authority to authorise orders from Information Services' online catalogue	Orders for items individually up to £100	<ul style="list-style-type: none"> <li>• Self-certification by person raising the order</li> </ul>	N/A
	Orders for items individually in excess of £100	<ul style="list-style-type: none"> <li>• Head of Service / Operational Budget Holder</li> </ul>	N/A

Matter	Threshold	Delegation to	Ref to Fin Regs
Authorise expense claims (incl. travel and subsistence)	Claims of up to <b>£100</b> (or 200 miles)	<ul style="list-style-type: none"> <li>Self-certification by claimant</li> </ul>	8.5.2
	Claims in excess of <b>£100</b> (or 200 miles) and up to <b>£1,000</b> (or 2,000 miles)	<ul style="list-style-type: none"> <li>Line manager</li> </ul>	8.5.2
	Claims in excess of <b>£1,000</b> (or 1,000 miles)	<ul style="list-style-type: none"> <li>Head of Service / Operational Budget Holder</li> </ul>	8.5.2
<b>3.3 Pension Fund Arrangements</b>			
To manage the Pension Fund including the power to seek professional advice and to devolve day to day handling of the fund to professional advisors within the scope of the Pension's Regulations.		Director for Essex Pension Fund ( <i>subject to Investment Steering Committee approval of the original appointment</i> )	N/A
Authorisation of: <ul style="list-style-type: none"> <li>custody agreements and variations</li> <li>Investment advisor agreements and variations</li> <li>Partnership agreements and variations</li> <li>Investment applications and related documentation</li> </ul>		Director for Essex Pension Fund ( <i>subject to Investment Steering Committee approval of the original appointment</i> )	N/A
Authorisation of : <ul style="list-style-type: none"> <li>Investment management agreements and variations</li> <li>Payment of capital calls on approved investments</li> <li>Instructions to the custodian to transfer funds and open/close accounts</li> <li>Applications to sovereign states and administrative areas</li> <li>Tax returns, applications and claims</li> </ul>		Director for Essex Pension Fund	N/A

Matter	Threshold	Delegation to	Ref to Fin Regs
<ul style="list-style-type: none"><li>▪ Appointment of tax consultants, actuaries and other specialist advisers and consultants</li><li>▪ The payment of invoices for services supplied to the Pension Fund and refunds of contributions</li><li>▪ Instructions to the fund actuary</li></ul>			

# Scheme of Delegation for Financial Management

## 4. Guidance on roles and responsibilities

### 4.1 Introduction

The Council operates a system of devolved financial management which, in practice, means certain responsibilities are devolved to services, as follows:

- Ensuring that there is proper stewardship of public resources;
- Ensuring that statutory and regulatory standards are met;
- Ensuring value for money;
- Identifying, evaluating and managing risk;
- Supporting good decision making through the provision of financial information and advice to decision makers;
- Analysis of service activity costs and trends to feed into performance information;
- Aligning resource allocations with business objectives;
- Maximising income sources without being diverted from business priorities.

It is therefore important that there is clarity over roles and responsibilities within these areas of activity.

### 4.2 Budget Holders

The operation of financial management across the Council is carried out within a framework of budget holders, supported by Corporate Services.

The term 'budget holder' is used to cover a range of responsibilities and accountabilities starting from the Executive Director, who will oversee the overall delivery of a range of services, down to the operational budget holder who will be accountable for the day to running of a service and the management of the associated budget.

The default position is that the Director will be the operational budget holder. However, the Director may designate a Head of Service, or another officer, as the operational budget holder, where that officer has responsibility for a service area with a budget of at least **£1m**. Budgets of less than **£1m** are not permitted to be delegated without the approval of the Executive Director of Corporate Services.

There will usually be a series of delegations operating in support of the operational budget holder, whereby those with delegated authority are able to commit funds on the budget holder's behalf (*i.e. within parameters agreed by the operational budget holder*).

The role of each of these levels of 'budget holder', across the main themes in Financial Regulations, is summarised in the following pages.

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
<b>Financial Planning</b>	<ul style="list-style-type: none"> <li>Provides the overall strategic direction, and oversees the preparation of the budget, for their set of services.</li> </ul>	<ul style="list-style-type: none"> <li>Ensures that new initiatives and legislative requirements are considered as appropriate.</li> <li>Prepares the detailed revenue and capital budgets, reflecting the strategic direction set by the Executive Director / Director.</li> </ul>	
<b>Financial Management</b>	<ul style="list-style-type: none"> <li>Assigns budget holder responsibility and ensures there are appropriate budgetary control processes in place.</li> <li>Receives regular reports on performance against budget from Directors.</li> <li>Where appropriate, approves virements within the financial limits set out with Financial Regulations, or seeks additional funding if necessary.</li> <li>Ensures budget provision is in place for any new policies.</li> </ul>	<ul style="list-style-type: none"> <li>Places orders and incurs expenditure for services in accordance with appropriate procurement advice and the approved budget.</li> <li>Records income and expenditure properly and maintains appropriate commitment records to aid with budget management.</li> <li>Prepares reports, with finance support on performance against budget.</li> <li>Where appropriate, approves virements within the financial limits set out with Financial Regulations, or refers to the Executive Director for action,</li> <li>Reviews regularly the value for</li> </ul>	<ul style="list-style-type: none"> <li>Places orders and incurs expenditure for services in accordance with appropriate procurement advice and the approved budget.</li> </ul>



Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
		money of the service delivery arrangements.	
<b>Accounting records and Financial Systems</b>	<ul style="list-style-type: none"> <li>Ensure <b>Section 151 Officer'</b> approval is obtained to operate or change a financial system (or any financial element of a non-financial system).</li> <li>Ensure that systems are backed up and disaster recovery and business continuity plans are maintained to allow information system processing to resume quickly in the event of interruption.</li> <li>Ensure adequate audit trail exists through computerised systems.</li> </ul>	<ul style="list-style-type: none"> <li>Ensures compliance with proper accounting guidance and practice by following advice and guidance from finance.</li> </ul>	<ul style="list-style-type: none"> <li>Complies with proper accounting practices and guidance issued from finance.</li> </ul>
<b>Risk Management and Control</b>	<ul style="list-style-type: none"> <li>Takes overall ownership of risk within their service areas, ensuring risk management is implemented in line with the overall risk management strategy.</li> <li>Reviews risks in their service areas and progress on mitigating actions at regular management</li> </ul>	<ul style="list-style-type: none"> <li>Ensures risk management within their area is implemented in line with the strategy.</li> <li>Reviews service risks and progress on mitigating actions at regular management meetings.</li> <li>Notifies the <b>Section 151 Officer</b> immediately of any loss, liability or damage that may lead to a</li> </ul>	

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
	<p>meetings.</p> <ul style="list-style-type: none"> <li>Consults the <b>Section 151 Officer</b> and the <b>Monitoring Officer</b> on the terms of any indemnity.</li> <li>Establishes sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness; and for achieving their financial performance targets.</li> <li>Undertakes an annual self-assessment of the status of the systems of internal control within their service areas, as directed by the <b>Section 151 Officer</b>.</li> <li>Supports Internal Audit in any review being undertaken within their area, nominates a sponsor responsible for taking forward audit issues, and responds to issues raised within audit reports</li> </ul>	<p>claim against the Council.</p> <ul style="list-style-type: none"> <li>Notifies the <b>Section 151 Officer</b> promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.</li> <li>Responds to internal audit reports in writing, within a timescale agreed detailing the action intended to address any recommendations, and monitors implementation of agreed actions</li> <li>Maintains a Hospitality Register and a Register of Interests within each service in which the acceptance of any hospitality or gifts is recorded</li> </ul>	

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
	<p>within the agreed timescale</p> <ul style="list-style-type: none"> <li>Ensures that the anti-fraud and corruption policy is followed and that any appropriate action is taken.</li> </ul>		
<b>Control of resources</b>	<ul style="list-style-type: none"> <li>Ensures there are appropriate control procedures in place with regard to assets, stock and stores</li> </ul>	<ul style="list-style-type: none"> <li>Ensures the proper security of all buildings, vehicles, equipment, furniture, stock, stores and other property belonging to the Council and consults with the Director for Property, Facilities Management and Business Support in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.</li> <li>Ensures that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of such keys must be reported to the <b>Head of Internal Audit</b>.</li> <li>Provides the <b>Section 151 Officer</b> with the information required to maintain the asset register in</li> </ul>	<ul style="list-style-type: none"> <li>Employees operating an imprest account will make adequate arrangements for the safe custody of the account as set out in paragraph 7.3.4 of the Financial Regulations</li> </ul>

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
		<p>relation to vehicles, plant and equipment (including IT)</p> <ul style="list-style-type: none"> <li>Maintains inventories of all furniture, fittings, equipment, plant and machinery, and carries out an annual check of all items on the inventory.</li> </ul>	
<b>Income and Expenditure</b>	<ul style="list-style-type: none"> <li>Establishes a charging policy for the supply of goods or services, and reviews it regularly, in line with corporate policies and annual budget setting timetables.</li> <li>Ensures there are adequate arrangements and delegations in place for ordering, authorising and receipting of goods and services.</li> <li>Maintains an up to date list of those staff who can order, authorise and receipt goods and services, and identifies in each case, any limits to an individual's authority.</li> <li>Ensures there is an appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Implements the charging policies.</li> <li>Acts in accordance with the delegated limits applied to ordering, authorisation and receipt of goods and services.</li> <li>Has regard to value for money when considering procurement activities.</li> <li>Establishes and initiates appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.</li> <li>Notifies the <b>Section 151 Officer</b> immediately of any expenditure to be incurred as a result of statute/court order where there</li> </ul>	<ul style="list-style-type: none"> <li>Raises invoices according to the agreed charging policies.</li> <li>Places orders for goods and services in accordance with the Council's Procurement Policy and Procedures (<i>and on the Council's e-procurement purchase to pay system</i>).</li> <li>Checks goods and services upon receipt to ensure they are in accordance with the order (<i>wherever possible, goods should not be received by the person who approved the order</i>).</li> <li>Records the receipt of goods on the Council's e-procurement purchase to pay system in order to provide an approval to pay for</li> </ul>

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
	<p>control arrangement in place relating to cash handling.</p> <ul style="list-style-type: none"> <li>Provides an up-to-date list of the names of officers authorised to sign records to the Head of Human Resources, together with specimen signatures,</li> <li>Ensures that appropriate arrangements are made for meeting the competitive requirements set out in the Financial Regulations.</li> </ul>	<p>is no budgetary provision.</p> <ul style="list-style-type: none"> <li>Ensures that adequate and effective systems and procedures are operated for payments to employees and for goods and services.</li> </ul>	<p>goods and services received by the authority.</p> <ul style="list-style-type: none"> <li>Ensures that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases and expenses complies with HM Revenue and Customs regulations.</li> <li>Follows the guidance on VAT issued by the <b>Section 151 Officer</b>.</li> </ul>
<b>External arrangements</b>	<ul style="list-style-type: none"> <li>Ensures partnership arrangements meet corporate policies and strategies for working with other bodies.</li> <li>Ensures partnerships are governed by formal documented agreements.</li> <li>Undertakes a risk management appraisal of proposed new partnership arrangement.</li> <li>Ensures information on the partnership arrangements is provided to the <b>Section 151</b></li> </ul>	<ul style="list-style-type: none"> <li>Monitors partnership arrangements to ensure they are operating according to agreements.</li> <li>Measures the performance of partnerships to ensure that the overall arrangements represent best value for the people of Essex.</li> <li>Ensures that all funding notified by external bodies is received and properly recorded in the Council's accounts.</li> </ul>	

Theme	Executive Director	Operational Budget Holder	Officers with delegated authority to sign
	<p><b>Officer</b>, so that the appropriate disclosures can be made within the Council's annual statement of accounts.</p> <ul style="list-style-type: none"><li>Approves the contractual arrangements for any work undertaken for third parties or external bodies.</li></ul>		

# Scheme of Delegation for Financial Management

## 4.3 Finance support

The Council's system of devolved financial management means that services take decisions on their budgets, supported by Financial Services. The organisational model for finance is one that seeks to minimise transactional resource through the use of technology, allowing for a focus on value-added support to budget holders, backed up by specialist financial analysts and technical accountants where appropriate and when needed.

There is a Head of Finance assigned to each Executive Director, acting as key liaison point between the services covered by the Executive Director and Finance; the Senior Financial Analyst (Capital) undertakes this role in respect of capital projects. The Heads of Finance and the Senior Financial Analyst (Capital) report to the Director for Financial Services, who in turn reports to the **Section 151 Officer**. They are required to report regularly on any issues relating to possible non-compliance with any financial rules or agreed practices and on any financial pressures which may result in a failure to meet the budgets.

## 5. Authorised Signatory Process

In order to facilitate compliance with the Financial Regulations and Scheme of Delegation for Financial Management (SoDFM), the Council has an authorised signatory process. All posts have been assessed by their Executive Director to determine the extent of their delegated authority. Generally this is aligned to the management hierarchy, as follows:

- Chief Executive assigned to level **one**;
- Executive Director assigned to level **two**;
- Directors to level **three**;
- Heads of Service (when designated as the Operational Budget Holder) to level **four**;
- Officers with delegated authority to act on behalf of an operational budget holder to level **five**.
- All other staff to level **six**.

All staff within posts deemed to have delegated authority at levels one to five are required to complete an authorised signatory form. This sets out the extent of the individual's authority, requires them to confirm the cost centres they have authority against and requires them to provide a specimen signature. By electronically signing this form, managers are confirming that they will abide by the rules and regulations set out both within the Financial Regulations and the SoDFM.

The details are held within the Corporate System, and are used to notify the relevant authorised signatories that transactions need to be approved. The authorised signatory details may also be used by Internal and External Audit to support their testing of the Council's internal controls framework.