

Appendix 2 FINANCIAL REGULATIONS

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I INTRODUCTION

I.1 Purpose of Financial Regulations

The purpose of Financial Regulations is to provide a framework of control, responsibility and accountability for the proper administration of the council's financial affairs, to enable Members and officers to carry out their statutory duties. To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Regulations that set out the financial policies of the authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.

Sound financial management and control is the responsibility of all Members and officers and must be embedded in the culture of the authority. This requires effective training and support to enable Members and officers to achieve necessary financial management standards.

I.2 Reviewing and Updating Financial Regulations

Financial Regulations need to be kept under review to ensure compliance with current legislation and keep pace with best practice developments. In particular, governance and performance frameworks are regularly updated and must be reflected in Financial Regulations. Changes to the constitution of the council may also need to be reflected in Financial Regulations.

The Director of Finance is responsible for maintaining a continuous review of Financial Regulations to ensure consistency with best practice and legislation and may make changes as appropriate but is required to submit any major changes to the Council for approval, after consultation with the Chief Executive and Governance Committee.

The Audit Commission reviews the council's internal controls for evidence that these are effective, including Annual Governance Statements, Financial Regulations, schemes of delegation, policies, procedures and manuals. The Commission will be focusing on the impact of financial arrangements and the importance of having sound and strategic financial management to ensure that resources are available to support the council's priorities and improve services. The council's auditor also gives an opinion on arrangements for securing value for money in the annual Financial Statements.

I.3 Format of the Financial Regulations

These regulations are in the format recommended by the Chartered Institute of Public Finance & Accountancy (CIPFA), and the Standard Financial Procedures set out in the appendices state why each procedure is important

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and include the responsibilities of the Chief Finance Officer and other Officers.

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The Financial Regulations provide clarity about the financial accountabilities of individuals including:

- the Leader and Executive Members
- individual Members;
- the Chief Executive;
- the Monitoring Officer (in this council this role is held by the Head of Law);
- the Chief Finance Officer (the Director of Finance); and
- members of the Corporate Management Team.

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1.4 Status of Financial Regulations

These Regulations form part of the council's constitution. The constitution brings together a wide range of information regarding how the council is organised, how its business is conducted and how its decisions are made. Beyond the scope of Financial Regulations, there are links with other internal regulatory documents within the constitution, such as contract standing orders, schemes of delegation and codes of conduct for officers and Members.

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Financial Regulations are deemed to be part of the council's Procedure Rules in so far as they relate to the conduct of business in meetings of the council, the Leader, Executive Members, Committees, Sub-Committees and Scrutiny Committee/ Panels.

These Financial Regulations are subject to the Accounts and Audit Regulations 2011 issued by Government under s27 of the Audit Commission Act 1998. The Accounts and Audit Regulations establish statutory provisions for accounting arrangements, audit arrangements and financial control within the council, consistent with Audit Commission guidance, for example its publication Improvement through better Financial Management.

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Financial Regulations endorse the Chartered Institute of Public Finance and Accountancy's "The Role of the Chief Financial Officer in Local Government" issued in 2010.

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Both private and public sector enterprises need control frameworks to ensure their business objectives are met. Councils, however, by virtue of their major role as custodians and spenders of public money, must be seen to be carrying out these duties to the highest levels of integrity, probity, fairness and economy. Financial Regulations are an essential tool to ensuring compliance with both this duty of care and the financial objectives of the council, and set the appropriate standards of financial management and control expected by Council Tax payers and local business rate payers. These Regulations must be followed by all officers, therefore, to enable the

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council's external auditor to give assurance to these parties that the council can demonstrate compliance with the high levels of stewardship expected.

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1.5 Application of Financial Regulations

Financial Regulations apply to every Member and officer of the council and anyone acting on behalf of the council. Failure by an officer of the council to comply with these Financial Regulations may result in formal disciplinary action being taken against the officer concerned.

References to the Corporate Management Team in the regulations should be read as referring to officers authorised to act on behalf of the member of the Corporate Management Team. It is the responsibility of each member of Corporate Management Team to ensure that all financial processes and controls operated by their service comply with these regulations and to liaise with the Director of Finance on the adequacies of those controls. All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides good value for money.

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Financial Regulations have an important role in establishing a sound system of corporate governance for the council and also in supporting the Council's Counter Fraud Strategy. The Leader, Executive Members and members of Corporate Management Team have individual and collective responsibility to ensure that the fundamental principles as established by the Cadbury and Nolan Reports on "the financial aspects of corporate governance", namely openness, integrity, and accountability, are established through compliance with Financial Regulations.

Where local management schemes (LMS) have been approved, for example in schools, these shall have effect subject to the overall authority of these Financial Regulations and the council's Standing Orders. The Director of Finance may approve changes to any more-detailed financial regulations within approved local management schemes, again subject to their compliance with these Financial Regulations.

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The Director of Finance is also responsible for reporting, where appropriate, breaches of the Financial Regulations to Members. Corporate Management Team are responsible for ensuring that all staff in their services are aware of the existence and content of these Regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their services, especially where staff do not have access to the council's intranet or electronic copies.

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1.6 Standard Financial Procedures

The Director of Finance is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, officers and others acting on behalf of the council are required to follow. Details of how the

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Regulations will be implemented operationally, are contained in the appendices to the Financial Regulations and are referred to as “Standard Financial Procedures”. These establish sound practices and assist Corporate Management Team in their responsibility for the operation of their financial processes. These Standard Financial Procedures have the same authority as Financial Regulations.

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The Director of Finance may vary Standard Financial Procedures after consultation with the Chief Executive and Corporate Management Team in accordance with the needs of individual services. Provided the Director of Finance is satisfied that all necessary controls are met, he/she may agree to variations proposed by members of Corporate Management Team. Agreed variations must be properly recorded, in a form agreed by the Director of Finance.

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1.7 Definitions

Financial Regulations incorporate Financial Standing Orders and Standard Financial Procedures.

In Financial Regulations the following terms/roles have the following meanings:

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- i) ‘Finance Director’, ‘Director of Finance’ and ‘Chief Finance Officer’ all have the same meaning for the purposes of Financial Regulations;
- ii) ‘The S151 Officer’ is also the Chief Finance Officer. ‘The Deputy S151 Officer’ is the Head of Financial Services;
- iii) ‘Strategic Directors’ include the Lead Commissioner for Adult Social Care & Health (in so far as it relates to his/her role as the Statutory Director of Adult Social Services);
- iv) ‘Lead Commissioner’ and ‘Head of Commissioning Unit’ have the same meaning for the purposes of Financial Regulations;
- v) ‘Corporate Management Team’ (CMT) means the Chief Executive, Strategic Directors, the Director of Finance, Lead Commissioners and Heads of Resource and Delivery Units. By default, where Financial Regulations refer to Corporate Management Team this is a reference to the individual members of CMT unless it is expressly stated that CMT is referred to as a body or collective.
- vi) ‘Strategic Leadership Board’ (SLB) means the Chief Executive, Strategic Directors and the Director of Finance.
- vii) ‘Budget Holders’ and ‘Budget Managers’ have the same meaning and include any officer of the council given delegated responsibility by a member of Corporate Management Team for managing an approved budget.
- viii) ‘The Executive’ means the Cabinet of the council.

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For clarification, it should be noted that under the Scheme of Delegation to Officers, Heads of Delivery Units have concurrent delegated powers with

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their relevant Strategic Director for both general and specific delegations. As stated in the Scheme of Delegations to Officers, this means that the exercise of general and specific delegations by Heads of Delivery Units shall be subject to the following:

- The power delegated to the Head of a Delivery Unit may be exercised by the relevant Strategic Director.
- The exercise of the power by the Head of a Delivery Unit is subject to any instructions or guidance that may be issued from the Chief Executive or the relevant Strategic Director.
- The relevant Strategic Director may suspend the exercise of any power by the Head of a Delivery Unit.
- The exercise of the powers by the Head of Delivery Unit shall be subject to the outcome and other requirements stipulated as part of the commissioning decisions.

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2 FINANCIAL MANAGEMENT

Financial management covers all financial accountabilities in relation to the running of the council, including the policy framework and the council's budgets.

2.1 The Full Council

The full Council is responsible for adopting the council's constitution and Members' code of conduct, and for approving the policy framework and budget within which the Executive, committees and services operate. It is also responsible for approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in its constitution.

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The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by, and decisions taken by, the Council, the Executive and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

2.2 The Executive

The Leader and Executive Members form the executive of the Council and are collectively referred to in Financial Regulations and Standard Financial Procedures as the Executive. Cabinet refers to a meeting of the full Executive.

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The Executive is responsible for proposing the policy framework and budget to the full Council. The Executive is also responsible for discharging executive functions in accordance with the Constitution, the policy framework and budget. Executive decisions can be taken collectively, or by the Leader or Executive members individually, by a committee of the Cabinet or can be delegated to an officer.

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Where the Executive, collectively or individually, exercises any function they must observe not only any requirements of Financial Regulations and Standard Financial Procedures, which are specifically directed at them, but also the requirements directed at members of Corporate Management Team where appropriate.

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2.3 Overview and Scrutiny

The overview and scrutiny committees support the work of the Executive and the council as a whole. Their purpose is as a force for improvement, in relation to the council and other external bodies that serve the city of Brighton and Hove. Although these committees cannot themselves implement policies and programmes, they have powers to take an overview of policy and to scrutinise decisions, before or after they have been implemented. They can require members (including the Executive), council

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officers and representatives of other organisations to attend and account for their policies and actions. The committees have access to the Council and the recommendations which flow from the overview and scrutiny processes must be given due consideration by the Executive or other person or body to whom they are directed.

2.4 Standards Committee

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This committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. It also advises the council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

2.5 Audit Committee

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The Audit Committee oversees the Council's arrangements for the discharge of its functions in connection with finance, risk management and audit. It also approves the annual financial statements. It makes recommendations to the Council, the Cabinet, Officers or other relevant bodies within the Council.

2.6 The Statutory Officers

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2.6.1 Chief Executive

The Chief Executive is the Head of Paid Service and has overall corporate management and operational responsibility (including overall management responsibility for all officers). He/she must report to and provide information and advice to all parties in the decision making process. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping for all the council's decisions.

2.6.2 Monitoring Officer

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The role is held in this council by the Head of Law. This officer is responsible for discharging the Monitoring Officer functions under s5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. He/she is responsible for promoting and maintaining high standards of conduct, and also for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to Cabinet, CMM's or committees. He/she is also responsible for compliance with access to meetings and records under the Local Government Acts 1972 and 2000, the function of certifying public interest under the Freedom of Information Act 2000 and ensuring that procedures for recording and reporting key decisions are operating effectively.

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He/she must ensure that executive decisions and the reasons for them are made public, and that council Members are also aware of those decisions and of those made by officers who have delegated executive responsibility.

The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.

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The Monitoring Officer is responsible for advising the Executive, the committees or the full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

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The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

2.6.3 Chief Finance Officer

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This role is held in this council by the Director of Finance. He/she has statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden. The statutory duties are principally contained in:

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- s151 of the Local Government Act 1972;
- The Local Government Finance Act 1988;
- The Local Government and Housing Act 1989;
- The Accounts and Audit Regulations 2011; and
- The Local Government Act 2003.

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CIPFA's "Role of the Chief Financial Officer, in Local Government (2010)" sets out five key principles that are critical for the achievement of a finance director's statutory responsibilities:

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- contributing to and integral to corporate management and leadership;
- maintaining strong financial management and planning to support strategic objectives;
- supporting and advising democratically elected representatives, developing an effective Audit Committee and putting in place effective financial controls and governance;
- leading and managing an effective and responsive financial service;
- ensuring a professionally qualified CFO is appointed.

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S114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full council, the Executive and external auditor if the authority or one of its officers:

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

S114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he/she be unable to perform the duties under section 114 personally. In this council, the Head of Financial Services

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performs the statutory and Head of Profession functions in the absence of the Director of Finance.

- the Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under s114.

The Chief Finance Officer is also responsible for advising the Executive, the committees or the full Council where a decision is not in accordance with the budget framework.

2.6.4 Corporate Management Team

Members of Corporate Management Team comprise the Chief Executive, Strategic Directors, the Director of Finance, Lead Commissioners and Heads of Resource and Delivery Units.

Members of Corporate Management Team are responsible for:

- Ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance.
- Sending all draft reports to the Director of Finance in time for the financial implications to be fully considered and inserted before the reports are considered by the Strategic Leadership Board or Members. All reports should include the comments of the Director of Finance, where appropriate. Failure to ensure that the Director of Finance has sufficient time to consider the financial implications may result in the withdrawal of the report at his/her discretion.
- Entering into and signing contracts on behalf of the council in accordance with the Council's Corporate Procurement Strategy, procurement Codes of Practice (COPs) and Contract Standing Orders.
- The operation of sound financial procedures within their service and ensuring that adequate controls are in place.
- Ensuring that all staff authorised to act on their behalf are aware of the need to comply with Financial Regulations and Standard Financial Procedures.
- Ensuring that financial systems that are developed locally within services are managed in accordance with principles of reconciliation, sound controls, security and other guidelines issued by the Director of Finance. Such systems shall be made available to the head of the Internal Audit service.

Where Financial Regulations and Standard Financial Procedures set out the role of Corporate Management Team, this term should be taken to include individual officers of Corporate Management Team including the Chief Executive. Where the role and responsibilities of Corporate Management Team are collective, this will be explicitly stated.

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 <#>Cultural Services;¶
 <#>Environment;¶
 <#>Adult Social Care & Housing;¶
 <#>Finance & Resources;¶
 <#>Strategy & Governance.¶
 <#>The Chief Officers comprise the Management Team (TMT).¶
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2.6.5 Changes of Roles & Responsibilities

In the event of any change in the job title of any officer or any committee or sub-committee, or the transfer of any responsibilities of any officer, the Director of Finance may make consequential amendments to Financial Regulations and Standard Financial Procedures to take account of the change and/or transfer.

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2.7 Other Financial Accountabilities

2.7.1 Virement (Budget Transfer)

Corporate Management Team are responsible for agreeing in-year virements for their services but must not take decisions or transfer resources contrary to current council policy as represented by the approved budget.

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The procedure for virements is set out in Standard Financial Procedures (paragraph A.2.1).

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2.7.2 Treatment of Year-end Balances

The procedure is set out in Standard Financial Procedures (paragraph A.2.2).

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2.7.3 Accounting Policies

The Director of Finance is responsible for implementing accounting policies which accord with the Code of Practice on Local Authority Accounting and ensuring that they are applied consistently.

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2.7.4 Accounting Records and Returns

The Director of Finance is responsible for determining the accounting procedures and records for the authority, in accordance with statutory requirements and best practice. He/she will also maintain a register of partnerships and other entities in which the council has an interest so that Group Accounts can be published in compliance with local government accounting requirements.

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2.7.5 The Annual Statement of Accounts

i) The Director of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom developed by CIPFA. The Audit Committee is responsible for approving the annual statement of accounts.

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ii) In accordance with the Accounts and Audit Regulations 2011, the Director of Finance must:

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(a) before Audit Committee approve the annual statement of accounts, and no later than 30th June immediately following the end of the financial year, sign and date the statement of accounts.

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and certify that it presents a true and fair view of the financial position of the body at the end of the year to which it relates and of the council's income and expenditure for that year; and
(b) after the Audit Committee have considered the statement of accounts, but before they approve it, re-certify its presentation.

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3 FINANCIAL PLANNING & BUDGET SETTING

3.1 Financial Planning Framework

The full Council is responsible for approving the policy framework (including all relevant statutory plans and strategies) and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the Corporate Plan,
- the Revenue Budget,
- the Capital Programme, and
- the Medium Term Financial Strategy (MTFS).

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The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions of that nature should be referred to the full Council.

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The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

3.2 Budget Format

The general format of the budget will be approved by the full Council and proposed by the Executive on the advice of the Director of Finance. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

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3.3 Revenue Budget Preparation

The Director of Finance is responsible for ensuring that a revenue budget is prepared on an annual basis and reported to the Executive and then full Council in accordance with statutory requirements. The full Council may amend the budget before approving it.

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A medium term financial strategy (MTFS) taking account of revenue resources over three years and capital resources over five years will also be prepared. The MTFS, which complements the Corporate Plan, will be updated periodically, to give constant medium-term estimates and will be reported at least annually to the Executive and then full Council.

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It is the responsibility of each member of Corporate Management Team to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive. This applies at all levels regardless of how budgets are presented and/or aggregated. For example, budgets may be aggregated by

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strategic theme (e.g. People, Place), or by commissioned areas or by delivery areas. At each level, the relevant member of Corporate Management Team is responsible for ensuring that budget estimates are prepared in line with guidance issued by the Executive.

3.4 Budget Monitoring and Control

The Director of Finance is responsible for ensuring that systems are in place to provide appropriate financial information to enable all revenue and capital budgets to be monitored effectively. He/she must report to the Executive on the overall position on a regular basis in accordance with the Targeted Budget Management (TBM) framework.

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It is the responsibility of Corporate Management Team to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance. They should report on variances against the budgets allocated to their services under Targeted Budget Management. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance to any problems. Financial and performance data should be linked wherever possible in accordance with good practice.

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3.5 Preparation of the Capital Programme

The Director of Finance is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive before submission to the full Council.

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3.6 Resource Allocation

The Director of Finance is responsible for developing and maintaining a financial resources allocation process that ensures due consideration of the full Council's policies and priorities.

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3.7 Budget Setting Guidelines

Guidelines on budget preparation are issued to members and Corporate Management Team, by the Director of Finance taking into account the current policy framework determined by the Council and any subsequent policy framework proposed by the Executive. The guidelines will take account of:

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- legal requirements;
- the medium term planning prospects;
- the Corporate Plan;
- council priorities;
- available capital and revenue resources;
- value for money;
- spending pressures;

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- government guidelines;
- other internal policy documents;
- cross-cutting issues, and;
- the adequacy of the general and earmarked reserves.

3.8 Maintenance of Reserves

It is the responsibility of the Director of Finance to advise the Executive and the full Council on prudent levels of reserves for the authority to ensure the council has a sound financial standing. This is pursuant to Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

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4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Introduction

Risk management is the planned and systematic approach to the identification, evaluation and control of risks. Its objectives are to enable effective use of resources, secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. The Director of Finance is required to develop and promote risk management across the council and provide advice to managers on the most appropriate tools to use.

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Deleted: Risk management also forms a key part of the use of resources assessment within the Comprehensive Performance Assessment.

4.2 Risk Management and Insurance

The Cabinet is responsible for approving the authority's risk management framework and strategy and for reviewing the effectiveness of risk management. The Audit Committee also has a role in reviewing risk management arrangements (see para. 2.5).

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The Director of Finance is responsible for ensuring that proper insurance arrangements exist where appropriate.

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4.3 Internal Control

Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

The Director of Finance is responsible for advising on effective systems of internal control and will need to provide an Annual Governance Statement that accompanies the statement of accounts. Arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

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It is the responsibility of members of Corporate Management Team to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

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4.4 Audit Requirements

The Accounts and Audit Regulations 2011, require every local authority to undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.

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The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by the Audit Commission Act 1998.

The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs who have statutory rights of access.

4.5 Preventing Fraud and Corruption

The Director of Finance is responsible for the development and maintenance of a counter fraud strategy and effective arrangements to acknowledge, prevent and enforce. The strategy is approved by the Audit Committee who monitor this together with the effectiveness of counter fraud arrangements.

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4.6 Assets

Corporate Management Team should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency (disaster recovery) plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

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4.7 Treasury Management

The authority has adopted CIPFA's code of practice for treasury management in local authorities.

The Cabinet is responsible for approving the treasury management policy statement setting out the matters detailed in "Treasury Management in the Public Services: Code of Practice for Treasury Management in Local Authorities". Full Council is responsible for approving the Annual Investment Strategy in accordance with regulations and guidance issued under the Local Government Act 2003.

All money in the hands of the council is controlled by the officer designated for the purposes of s151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer (Director of Finance), who shall make appropriate banking arrangements.

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All executive decisions on borrowing, investment or financing shall be delegated to the Director of Finance, and such officers as he/she may nominate, who shall be required to act in accordance with the Code of Practice referred to in the council's Treasury Management Policy Statement and Annual Investment Strategy.

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4.8 Trust Funds, Funds Held for Third Parties and Other Voluntary Funds

All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the Director of Finance. A voluntary (unofficial) fund is defined as any fund, other than an official fund for the council, which

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is controlled wholly or in part by an officer by reason of his or her employment by the council.

Corporate Management Team are responsible for ensuring that they are operated in line with appropriate legislation and/or Charity Commission guidance if appropriate.

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Corporate Management Team shall ensure that all such funds are audited by suitably qualified auditors and are submitted within six months of the end of the accounting period to the council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

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The Director of Finance reserves the right to inspect all documentation relating to unofficial funds and seek such explanations as are necessary to ensure they are being appropriately managed. From time to time the Director of Finance may issue specific guidance on such funds that must be complied with.

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4.9 Staffing

The Chief Executive is responsible for providing overall management to staff. He/she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

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Corporate Management Team are responsible for controlling total staff numbers by:

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- advising the executive on the budget necessary in any given year to cover estimated staffing levels required to deliver approved levels of service and having regard to statutory provision;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- complying with any vacancy management procedure, recruitment procedure, interim and agency worker appointment procedure, establishment control or other staffing related corporate procedures agreed by the Chief Executive and the Strategic Director of Resources or the Director of Finance as appropriate;
- the proper use of appointment policy and procedures.

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5 SYSTEMS AND PROCEDURES

5.1 Introduction

Sound systems and procedures are essential to an effective framework of accountability and control. This applies to all systems and processes, however, certain IT systems carry more importance. In particular, the corporate Financial Information System, Payroll and HR systems are prime records often subject to both internal and external audit review. Compliance with procedures and controls in relation to these systems is therefore essential to underpin the overall framework of accountability and control.

5.2 General

The Director of Finance is responsible for the operation of the authority's financial systems, the form of accounts and the supporting financial records. Any changes made by Corporate Management Team to the existing financial systems or the establishment of new systems must be approved by the Director of Finance. However, Corporate Management Team are responsible for the proper operation of financial processes in their own services.

Any changes to agreed procedures required or identified by Corporate Management Team to meet their own specific service needs must be agreed with the Director of Finance.

Corporate Management Team must ensure that their staff receive relevant financial training that has been approved by the Director of Finance. Where access to financial systems is through the use of unique user names and passwords, officers must not allow others to use their access codes or otherwise make use of their rights.

Corporate Management Team must ensure that, where appropriate, ICT and other systems are registered in accordance with data protection legislation. Corporate Management Team must ensure that staff are aware of their responsibilities under Data Protection and Freedom of Information legislation.

5.3 Income and Expenditure

It is the responsibility of Corporate Management Team to ensure that staff are appropriately authorised to act on behalf of the member of Corporate Management Team, or on behalf of the Executive, in respect of payments, income collection and placing orders. Authorised signatories and the limits of financial responsibility must be in accordance with relevant systems, procedures and the Scheme of Authorisation issued by the Director of Finance. In no circumstance can an officer be given an unlimited limit, as this is not allowed under the council's insurance arrangements.

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The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

5.4 Payments to Employees and Members

The Head of Human Resources is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members. The scheme for Members allowances is the responsibility of the Head of Law.

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5.5 Imprest and Petty Cash Accounts

The Director of Finance in consultation with Corporate Management Team may make imprest/petty cash advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved.

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The Director of Finance reserves the right to withdraw petty cash/imprest facilities from officers if it is deemed that they are being used inappropriately or the expenditure limit is exceeded or a deficit balance is accrued.

The accounts should be kept on the imprest system and officers should maintain a record of their receipts and payments in a form and manner prescribed by the Director of Finance.

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5.6 Credit Cards and Procurement/Purchasing Cards

The Director of Finance may make available to nominated officers Credit Card and/or Purchasing Card facilities. The Director of Finance will determine the application and approval process and set out the terms and conditions on which the cards are to be issued.

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Corporate Management Team are responsible for ensuring that they or any staff in their services issued with Credit or Purchasing Cards comply with the terms and conditions of use and remain within any financial or credit limits imposed. The Director of Finance reserves the right to withdraw the use of any Credit or Purchase Card if it is deemed that they are being used inappropriately or the financial or credit limit is exceeded.

Corporate Management Team are responsible for maintaining, retaining, presenting and/or completing any documentation, forms or electronic records in accordance with the requirements specified by the Director of Finance.

5.7 Cash Collection Facilities

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The Director of Finance shall approve the form of all cash collection facilities and associated procedures. This includes safes, automated cash collection machines and other cash collection facilities. CMT shall ensure that all relevant procedures issued by the Director of Finance are complied with including the requirements of the corporate banking contract and security carrier contracts.

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5.8 VAT & Taxation

The Director of Finance is responsible for advising Corporate Management Team, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The Director of Finance is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. The Head of Human Resources will be required to maintain income tax and national insurance records in accordance with guidelines set by the Director of Finance.

5.9 Trading Accounts

It is the responsibility of the Director of Finance to advise on the establishment and operation of trading accounts.

5.10 Financial Information Systems

It is essential that all of the council's ICT systems are developed in a planned and co-ordinated way so that they interface correctly with corporate financial ICT systems in order to deliver high quality management information to support the council's requirements and strategies.

Corporate Management Team will need to liaise with the Director of Finance and the Head of ICT on any proposals either to purchase ICT systems or undertake major equipment or software procurement, or to undertake a major upgrade or extension of existing systems.

5.11 Control of Contracts

It is essential that all members of Corporate Management Team follow Contract Standing Orders as well as Financial Regulations. The achievement of value for money when procuring goods and services is a key task to ensure that public money is well spent.

5.12 Banking Arrangements

The Director of Finance is responsible for ensuring that the council operates cost effective and sound banking systems to ensure its financial transactions are documented with the utmost accuracy, evidenced by reconciliations, with the avoidance of fraud and corruption. The Cabinet shall approve all banking contract terms and conditions.

5.13 Financial Authorisation Limits

Financial authorisation limits need to be set in the interests of good governance and financial management. The Director of Finance will determine the Scheme of Authorisation and will authorise any exceptions, Corporate Management Team are responsible for ensuring staff authorised

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to act on their behalf do not exceed approved financial authorisation limits, particularly where manual processes are in operation.

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6 EXTERNAL ARRANGEMENTS

6.1 Introduction

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

6.2 Partnerships

6.2.1 The Executive is responsible for approving delegations, including frameworks for partnerships, and is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

6.2.2 The main reasons for entering into a partnership are:

- a) where required, to act as the statutory accountable body;
- b) the desire to find new ways to share risk;
- c) the ability to access new resources;
- d) to provide new and better ways of delivering services;
- e) to forge new relationships.

6.2.3 A partner is defined as either:

- a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project or services in relation to a statutory function or functions of the council or in support of council priorities,

or

- b) a body whose nature or status gives it a right or obligation to support the project or services.

6.2.4 Partners participate in projects or services by:

- a) acting as commissioner, deliverer or sponsor of projects or services, solely or in concert with others;
- b) acting as funder or part funder of projects or services;
- c) being the beneficiary group of the activity undertaken in a project or services.

6.2.5 Partners have common responsibilities:

- a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;

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- c) be open about any conflict of interests that might arise;
- d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- f) to act wherever possible as ambassadors for the project.

6.2.6 The Executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority’s Constitution. Where functions are delegated, the Executive retains accountability,

6.2.7 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct, including financial administration, in partnerships that apply throughout the council.

6.2.8 The Director of Finance must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, particularly where the authority is the designated lead partner or accountable body. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies. He/she will also maintain a register of partnerships and other entities in which the council has an interest so that Group Accounts can be published in compliance with local government accounting requirements.

6.2.9 Corporate Management Team are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

6.3 External Funding

The Director of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the council’s accounts.

6.4 Work for Third Parties

The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies although this may be delegated to officers in accordance with the council’s scheme of delegation.

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SCHEDULE OF OFFICER RESPONSIBILITIES

Monitoring Officer

Financial Regulations including Standard Financial Procedures refer to the Monitoring Officer. The Head of Law is responsible for this role.

Chief Finance Officer

The role of Chief Finance Officer is undertaken by the Director of Finance. He/she is also responsible for strategic risk management.

Deputy Chief Finance Officer (Deputy S151 Officer)

This role is currently held by the Head of Financial Services. This role deputises for the Chief Finance Officer in relation to the statutory requirements of Section 151 of the Local Government Act 1972. The Deputy CFO role does not include authority awarded to the Director of Finance under the Scheme of Delegation to Officers.

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Brighton & Hove City Council Constitution
Financial Regulations and Standard Financial Procedures – Revision Sept 2011

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This is a major factor in the Comprehensive Performance Assessment of the council by the Audit Commission, which tests how well the council currently achieves value for money and how well it manages and improves value for money. Councils currently need to achieve minimum efficiency savings of 3% per annum and must adopt good procurement practice and improve joint working with partners, businesses and other agencies in order to contribute to efficiency targets.

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are responsible for determining financial limits of authority, which are incorporated in their directorates' scheme of financial delegation

