



**Scottish Borders Council**

# **FINANCIAL REGULATIONS**

**November 2024**

**Reviewed by: Lizzie Turner, Chief Officer Finance & Procurement**  
**Approved by: Scottish Borders Council on 28 November 2024**  
**Review due: November 2027**

**CONTENTS**

1. Purpose and Introduction
2. Principles
3. Role of The Chief Financial Officer
4. Definitions
5. Financial Management Principles and Administration
6. Financial Planning
7. Budgetary Control
8. Accounting
9. Management of Funds and Reserves
10. Capital Financing and Treasury Management
11. Banking Arrangements, Cheques and Other Payment Media
12. Income
13. Grant Applications and Claims
14. Risk Management
15. Insurance
16. Internal Audit
17. Prevention of Fraud, Theft or Corruption
18. Asset management
19. Security
20. Contracts for Building, Construction or Engineering Work
21. Procurement of Goods, Services & Works
22. Payment of Invoices
23. Salaries, Wages, Pensions and Allowances

**CONTENTS continued**

24. Travelling, Subsistence and Other Expenses
25. Imprest Accounts
26. Private Property and Voluntary Funds
27. Trading Organisation
28. Delegation
29. Employee Responsibilities
30. Review

## 1. INTRODUCTION

- 1.1 Section 95 of the Local Government (Scotland) Act 1973 states that:-  
*“every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs.”*

These Financial Regulations (hereinafter referred to as the “Regulations”) fulfil this requirement by setting out the responsibilities of the Director of Finance, the Council’s Chief Financial Officer, as the proper officer with responsibility for the administration of the Council’s Financial Affairs, known as the Section 95 Officer, along with the responsibilities of members of the Council Management Team (CMT) and staff and by providing a mandatory framework for financial administration in Scottish Borders Council.

The Director of Finance carries out this role with regard to the CIPFA guidance contained in “The Role of the Chief Financial Officer in Local Government”

- 1.2 Compliance with these Regulations is mandatory for all employees of the Council, employees of its subsidiary organisations and, where referred to, Elected Members. CMT is responsible for ensuring that:-

- (a) all employees are aware of their respective duties and responsibilities under these Regulations;
- (b) where appropriate, job descriptions reflect the requirements of these Regulations; and
- (c) where appropriate, staff receive copies of or extracts from these Regulations.

The Chief Executive is responsible for ensuring that Elected Members are aware of their duties and responsibilities under these Regulations.

- 1.3 Failure to comply with any requirement of these Regulations may result in the matter being dealt with under the Council’s disciplinary procedures.

## 2. PRINCIPLES

- 2.1 The financial affairs of the Council shall at all times be conducted in accordance with the three principles of corporate governance set out in The Cadbury Report and CIPFA/SOLACE Guidance on Corporate Governance, namely:-

**Openness** – in terms of approach and disclosure of information;

**Integrity** – straightforward dealing and completeness;

**Accountability** – whereby individuals accept responsibility for their actions.

- 2.2 It is also a requirement of these Regulations that financial transactions do not take place unless they fall within the legal powers of the Council. Where new service developments or contributions to other organisations arise or in cases of doubt, clarification as to legality must be obtained from the Chief Legal Officer or their representative before any liability or expenditure is incurred.

### 3. ROLE OF THE CHIEF FINANCIAL OFFICER

- 3.1 The Council's Management Team must ensure that, as custodians of public money, the Council performs and accounts for its financial activities in an honest, legal and trustworthy manner, in accordance with best accounting practice.
- 3.2 The Council has designated the Chief Financial Officer as the officer responsible for the administration of the Council's financial affairs in terms of Section 95 of the Local Government (Scotland) Act 1973. This means they are entitled to issue, and require compliance with, instructions on any aspect of financial management or administration. They, or anyone so delegated by them, may examine administration and control systems within Services and secure any improvements which they consider necessary. They also have the authority to instigate investigations and comment on matters of economy, efficiency or effectiveness of any practices or procedures, existing or proposed.
- 3.3 The Local Authority Accounts (Scotland) Regulations 1985 specify that the system of accounting control and the form of the accounts and supporting records are to be determined by the Chief Financial Officer and that they ensure accounting controls are observed and the accounts and supporting records are kept up to date. This includes all of the financial systems which support this process. They are responsible for publishing the Annual Accounts of the Council and attendant information, and for making the arrangements for the statutory audit required by Section 96 of the Local Government (Scotland) Act 1973.
- 3.4 CIPFA guidance 'Delivering Good Governance in Local Government' recommends that the review of effectiveness of internal control should be reported in an Annual Governance Statement, and the Council's Annual Accounts will include a Statement on the System of Internal Control and Governance. In order to inform that statement, CMT will be required to provide certain assurances regarding the internal financial controls operating in their departments.
- 3.5 In terms of a management role, the Chief Financial Officer is responsible for advising the Council, its Committees, the Chief Executive and Directors on all financial matters and for monitoring and reporting on financial performance and the Council's overall financial position. It is a requirement of these Regulations that their views are canvassed and they are given the opportunity to express these in any report to the Council or any of its Committees which affects the Council's finances. They must also be granted access to any information and be given such explanations as required to assist them to comply with their responsibilities.

## 4. DEFINITIONS

4.1 In these Regulations:-

**“Directors”** means:-

Director – Finance (Chief Financial Officer/ Section 95 Officer)  
Director – People, Performance & Change  
Director - Education & Children’s Services  
Director Integration Joint Board / Health & Social Care Partnership  
Director - Resilient Communities  
Director - Infrastructure & Environment  
Director – Corporate Governance

The **“Council’s Management Team (CMT)”** comprises the Chief Executive and all Directors.

**“CIPFA”** means the Chartered Institute of Public Finance and Accountancy.

**“Employees”** means all staff directly employed by the Council (including teaching staff) and agency and similarly contracted persons.

**“Budget Head”** means each line in the Revenue or Capital Financial Plan as appropriate approved by the Council each year. In addition, “Budget Head” means each line within a block allocation, where appropriate, within the Capital Financial Plan.

**“Capital Expenditure”** is defined in Appendix 1. Where there are areas of doubt, the Chief Financial Officer shall determine whether an item of expenditure is to be classed as capital or revenue, with reference to proper accounting practice.

**“Executive Committee”** means the Executive Committee of the Council established under the Council’s Scheme of Administration.

**“Executive Member”** means the Elected Members appointed as such by the Council from time to time.

**“Asset”** means any land, building, plant, vehicle, machinery, equipment, computer hardware or software, furniture or fittings used or proposed to be used in the delivery of services.

**“Trading Organisations”** means the Roads Trading Operation (SBC Contracts)

**“Monitoring Officer”** is defined by the Local Government and Housing Act 1989. The role is undertaken by the Chief Legal Officer (or such other Officer so designated by the Council from time to time).

## 5. FINANCIAL MANAGEMENT PRINCIPLES AND ADMINISTRATION

- 5.1 The financial affairs of SBC are complex and there are many elements which must be considered when managing such a complex organisation. The Council is funded by public money and in order to ensure that resources are managed to best effect and that funds are protected, the roles and expectations of budget holders must be agreed and communicated clearly to all stakeholders.
- 5.2 The Financial Management principles which the Council operate under should be seen as complementary and supportive to the operation of the rest of the Financial Regulations. These principles set out the high-level expectations of those managing the financial affairs of the organisation.
- 5.3 The key purposes of the Financial Management principles are:
- to underpin and support strategic decision making;
  - to support the responsibilities of the Section 95 Officer; and
  - to support the Council with its financial governance.
- 5.4 The Financial Management principles apply equally to those who have financial management responsibility delegated to them as well as to employees who play a supporting role, e.g., Finance & Procurement, HR, Business Support.
- 5.5 **Principle 1 – Accountability**  
Those who have the responsibility for the management of financial resources delegated to them will be actively involved in that process. They will assume full accountability for decision making and be aware of the implications of those decisions. Appropriate advice and support will be sought in decision-making and in reporting financial performance.
- 5.6 **Principle 2 - Value for Money**  
Financial and physical resources as well as our human resources, will be used to best effect, to deliver the aims and objectives of the Council Plan. Decisions will be taken regarding cost, quality of service, financial sustainability, and other wider factors to deliver the aims of the Council Plan. Decisions will be transparent and appropriately recorded. Where possible, value for money should be agreed in advance with stakeholders.
- 5.7 **Principle 3 - Collaboration**  
Those with delegated financial responsibility will seek appropriate advice and support from colleagues, and all involved should treat each other as trusted partners and will be approachable and open to constructive challenge on matters relating to the finances of the Council. Colleagues in a support role equally have a responsibility to provide good quality advice and guidance. All information will be shared in a fully open manner, and in as timely a manner as possible.
- 5.8 **Principle 4 - Planning & Risk Awareness**  
All expenditure will be well planned, costed and deliverable. Where it becomes clear that spending plans require to be amended, alternative options under virement will be considered, or underspends declared at the earliest opportunity, in order that alternative corporate resource deployment decisions can be made.

### 5.9 Principle 5 – Stewardship

As custodians of public funds, we will ensure that these funds are properly and effectively managed and accounted for at all times. We will always adhere to all internal financial and other controls. Information will be readily shared with all others involved in the stewardship of financial resources.

## FINANCIAL ADMINISTRATION

- 5.10 The Executive Committee is responsible for advising the Council on the regulation and control of the finances of the Council. This is carried out through regular revenue and capital budgetary control reports to the Executive Committee and by annually providing Council with five year revenue (supported by the 10 year Long Term Financial Strategy) and ten year capital financial plans (supported by the Capital Investment Strategy).
- 5.11 The Chief Financial Officer is, for the purposes of Section 95 of the Local Government (Scotland) Act 1973, responsible for the proper administration of the Council's financial affairs.
- 5.12 As the Council's financial adviser, the Chief Financial Officer will ensure that a report is made to the Council, at least annually, with respect to the level of financial resources for revenue and capital estimated to be available in each financial year. In addition, reports will be made to Executive Committee:-
- 3 times in each financial year (normally August, November and February) with respect to the financial performance of each Service and Trading Organisation against approved revenue and capital budgets, together with the overall position for the Council.
  - As at each financial year end, showing the final outturn position for revenue and capital.
- 5.13 The Council is responsible for advising on the making and amending from time to time of such Financial Regulations as it considers necessary and desirable for the maintenance, supervision and control of the financial affairs of the Council.
- 5.14 CMT is responsible for ensuring the security, custody and control of all resources including employees, plant and equipment, buildings and furnishings, materials, cash and stores appertaining to their department.
- 5.15 Directors must consult the Chief Financial Officer with respect to any matter covered under 5.7 below or any other matter which may significantly impact financially upon the Service concerned, the Council itself or the Council's ability to meet its financial obligations before any commitment is incurred.
- 5.16 Where a Service proposes –
- a new policy; or
  - a variation of existing policy; or
  - a variation in the means or time-scale of implementing existing policy

which affects or may affect the Council's finances, the appropriate Director must submit a report to the Executive Committee which may report thereon to the Council.

## 6. FINANCIAL PLANNING

- 6.1 Prior to the commencement of each financial year the Council will approve its Revenue and Capital Financial Plan and this will include setting the Council Tax for the forthcoming year. The Council is required to approve a balanced budget for the forthcoming financial year and will ensure that the revenues of the Authority including Government Grant, Non-Domestic Rate income, Fees & Charges and planned budget savings are sufficient when combined with the Council Tax product to finance the expenditure plans for the Authority.
- 6.2 Following consultation with the Chief Executive the Chief Financial Officer will, in sufficient time each year, intimate to the CMT the arrangements for the preparation of capital and revenue financial plans, which shall be consistent with and form an integral part of the Council's overall Corporate, Business and People Planning processes.
- 6.3 CMT will lead the review of the Financial Plan and development of a 5 year Revenue and 10 year Capital Plan to deliver the priorities set out in the Council's Corporate Plan. This ensures a long term approach to financial planning to identify challenges and opportunities facing the Council. To ensure that the Council's financial plan remains affordable CMT will continue to review the assumptions made in the financial plans throughout the year.
- 6.4 The detailed form of the capital and revenue financial plans will be determined by the Chief Financial Officer and be in accordance with any general directions given by the Council.
- 6.5 CMT, Elected Members and the Chief Financial Officer, will ensure that they fully participate in the preparation of capital and revenue financial plans for their Services in accordance with the processes and directions referred to in 6.1 and 6.2 above.
- 6.6 The 10 year capital plan will consist of a 3 year operational plan and 7 year strategic plan, as approved by Members.
- 6.7 The revenue budget will consist of a 5 year medium term revenue plan to support the delivery of a 1 year budget and 2-5 year indicative plans to support medium term decision making. The revenue financial plan will show the movement between financial years as well as service pressures, developments and efficiencies. This medium term plan will be supported by a Long Term Financial Strategy taking a 10 year view of the revenue budget.
- 6.8 The Chief Financial Officer will report to the cross party Members Budget Working Group and ultimately the Council on the aggregate effect of the capital and revenue financial plans on the Council's financial resources. Each Member of the Council will be provided with a digital copy of the proposed Financial Strategy, capital and revenue financial plans together with a statement by the Chief Financial Officer of their effect on the Council's finances and the recommended or optional levels of Council Tax to be levied.

## 7. BUDGETARY CONTROL

### General

- 7.1 The Chief Financial Officer will provide Directors with on-line access to Business World, the Council's integrated Enterprise Resource Planning system and with periodic statements to facilitate the management of their Services' financial affairs. The Chief Financial Officer will assist Directors with financial management information needs including identifying changing requirements and possible ways of meeting them.
- 7.2 It is the responsibility of CMT, in consultation with the Chief Financial Officer, to ensure that the financial performance of the Services and those budget heads for which they are responsible, are properly managed and monitored and that expenditure and income are managed within approved budgets.
- 7.3 The Executive Committee will provide a challenge and oversight role in the delivery of the Capital Financial Plan and to ensure it is delivered within the agreed capital investment principles. This will include making recommendations to Council on proposed changes to the Plan where appropriate. The capital investment principles underpinning the Capital Financial Plan are shown at Appendix 2.
- 7.4 Each Director shall monitor and regulate the financial performance of their Service so as to:-
- ensure that actual and committed expenditure and actual income receivable are within approved budgets;
  - achieve such other financial targets as may be imposed by the Council, the Executive Committee, the Budget Working Group, the Chief Executive or the Chief Financial Officer.
- 7.5 CMT shall comply with procedures determined by the Executive Committee, the Chief Executive or the Chief Financial Officer, with regard to the preparation of budget monitoring reports for presentation to the Executive Committee as appropriate. Such procedures may include the style and content of such reports, the definition of consultations required and the timetable to be adopted.
- 7.6 The Executive Committee will keep the Council informed as to the state of the Council's finances and nothing in these Regulations will limit the right of the Executive Committee to recommend to the Council such changes to Service budgets as it may deem appropriate. For the avoidance of doubt such changes may be either of general application or particular to specific budget heads or to specific services.
- 7.7 Nothing in these Regulations will prevent the incurring of expenditure which is essential to meet any immediate needs created by an emergency, subject to the action conforming to the Council's emergency procedures defined in Standing Order 49 (which can be found on Intranet ([Document Procedural Standing Orders - Scottish Borders Council \(modern.gov.co.uk\)](#)) and various Emergency Planning and Business Continuity Plans) and being reported to the next appropriate Executive Committee meeting together with proposals for funding that expenditure.

## Revenue

- 7.8 The inclusion of any item of expenditure in an approved revenue budget will allow the relevant Directors to incur such expenditure subject to compliance with any regulations, procedures, etc approved by the Council, the Executive Committee, the Chief Executive or the Chief Financial Officer which may from time to time be in force.
- 7.9 Except in accordance with the scheme of virement specified at 7.10 and the arrangements for earmarked balances at 7.12, a service may not commit or incur expenditure which cannot be met from the amount currently available in the revenue budget under a budget head to which that expenditure should be charged.
- 7.10 Subject to the procedures detailed below, Directors may authorise virement where the budget heads involved are to be varied by not more than the greater of £10,000 or 10% of the original approved budget for each budget head subject to a maximum of £100,000 in any virement. The Executive Committee may sanction virements in excess of these limits as set out in the Scheme of Delegation.
- 7.11 All virements must be advised to the Chief Financial Officer using the appropriate documentation and must comply with the defined procedures (available on the intranet).
- 7.12 If as at 31 March, in any financial year, an underspending has arisen on a revenue budget head, such underspend may be carried forward as an earmarked balance to a subsequent financial year subject provided:

- the reason for the underspend is identified before 31 March;
- the nature and amount of the proposed earmarked balance is approved by the Executive Committee before 31 March; and
- no overspend exists within the Council

From time to time the Executive Committee may:-

- determine the relevant budget heads to which this regulation applies:
- suspend the operation of this Regulation.

Nothing in this regulation shall obviate the need to comply with the scheme of virement detailed at 7.10 during a financial year.

- 7.13 The Trading Organisations of the Council will be exempt from Financial Regulations 7.8, 7.9 7.10 and 7.11 subject to their compliance with any regulations and procedures determined by the Council or the Executive Committee for the control of their operations and to their meeting any financial targets specified by the Council and the statutory financial targets in force from time to time and not leading to any increased costs chargeable to the Council client during any financial year. For the avoidance of doubt, the remainder of these Financial Regulations shall apply to trading organisations.

- 7.14 Regulations 7.9, 7.10, 7.11 and 7.12 will not apply to expenditure and income managed by School Head Teachers in terms of the Council's Scheme of Devolved School Management (DSM). For the avoidance of doubt, the remainder of these Financial Regulations shall apply to resources managed by Head Teachers under the DSM scheme on behalf of schools.

### Capital

- 7.15 The approval by the Council of the Capital Programme prior to the commencement of each financial year shall be taken as approval for the individual projects or expenditures included therein. For spending blocks within the programme, detailed spending plans will be presented to the Executive Committee for approval. Directors may incur expenditure included in the programme (and where appropriate, blocks) without further reference to the Council provided that:-

- the scope and phasing of the project remains in accordance with the detailed proposals previously approved by the Council,
- the Executive Committee has approved detailed plans for spending block allocations; and,
- the expenditure on the project in each year of the Programme will not exceed the amounts approved by the Council.

- 7.16 Subject to the procedures set out below, the Director - Infrastructure & Environment may in consultation with the Chief Financial Officer authorise a virement between capital budget heads for up to £100,000 or 10% of the approved budget. For clarity, the interpretation of budget head in relation to block allocations will be the block allocation lines as reported to Executive Committee – NB allocations of up to £100,000 or 10% between projects within approved block programmes is therefore permissible without prior Executive approval. All virements approved will however be reported to the next Executive Committee.

- 7.17 If at 31 March in any financial year an overspend has arisen on a project budget due to acceleration of project timescales, the approved project budget for the subsequent financial year shall be decreased to the full extent of such overspending. Monitoring reports will include the total budgeted cost of projects across the whole timeline for project delivery.

If as at 31 March in any financial year an underspend has arisen on a project budget due to a timing movement, such underspend will be added to the approved project budget for the next financial year.

## 8. ACCOUNTING

- 8.1 All accounting systems, procedures and supporting records of the Council and its Officers shall be determined by the Chief Financial Officer in consultation with Directors as appropriate.

## 9. MANAGEMENT OF FUNDS AND RESERVES

9.1 The Chief Financial Officer will manage the following funds in accordance with the limits and conditions imposed by statute and by the Council and in accordance with the Financial Strategy :-

- General Fund
- Loans Fund
- Pension Fund
- Trust Funds comprising SBC Charitable Trusts, the Educational Trust, the Welfare Trust, the Community Enhancement Trust, the Ormiston Trust for Institute and all other bequests, endowments and trusts administered by the Council
- Common Good Funds
- Insurance Fund
- Capital Fund

9.2 Such other funds as the Council may decide to set up will be managed by the appropriate Director in consultation with the Chief Financial Officer.

## 10. CAPITAL FINANCING AND TREASURY MANAGEMENT

10.1 Full Council is responsible for the approval of the Council's treasury management policies and practices. Scrutiny and review of the Treasury Management Strategy, mid-year reports and final outturn position is undertaken by the Audit Committee prior to submission to full Council. Monitoring of the Capital Investment plans sits with Executive Committee.

10.2 All capital financing activities will be conducted in accordance with the Prudential Code for Capital Finance in Local Authorities. The Chief Financial Officer is responsible for:-

- ensuring that the requirements of that Code are complied with,
- ensuring that the Prudential Indicators are calculated, regularly reviewed and amended where necessary,
- formally delegating to appropriate Directors their responsibilities with regard to compliance with that Code.

10.3 The Council adopts the key recommendations of CIPFA Code of Practice for Treasury Management in the Public Services (subject to variation for any particular circumstances of the Council). Accordingly, the Council will create and maintain, as the cornerstone for effective treasury management:-

- a Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities;
- suitable Treasury Management Practices, setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The approved Policy Statement is shown at Appendix 3

The Council will receive reports on its treasury management policies, practices and activities, including as a minimum an annual strategy and plan in advance of the financial year, a mid-year review and an annual report after the close of the financial year, in a form prescribed in the Treasury Management Policy.

- 10.4 Before the start of the financial year the Chief Financial Officer shall report to the Executive Committee on the strategy for Treasury Management for the coming year. The Chief Financial Officer shall submit an annual report on Treasury Management activities for a financial year to the Executive Committee wherever possible by the following 30 September.
- 10.5 All decisions on borrowing, deposits of surplus funds or financing is delegated to the Chief Financial Officer who is required to act in accordance with CIPFA's Code of Practice on Treasury Management in the Public Services, the approved treasury management policy statement and approved annual strategy (all available on the Intranet).
- 10.6 All investments under its control will be made in the name of the Council; bearer securities shall be excepted from this regulation but any purchases of such securities must be reported to the Executive Committee.
- 10.7 All securities in the name of the Council will be held in the custody of the Chief Financial Officer or under arrangements approved by them.
- 10.8 All funds and money in the hands of the Council, with the exception of funds held in the name of the Pension Fund, will be aggregated for the purposes of Treasury Management and will be the responsibility of the Chief Financial Officer.
- 10.9 The Chief Financial Officer will be the Council's registrar of stocks, bonds and mortgages, other than the exceptions identified in paragraph 10.6 above, and will maintain records of all borrowing of money by the Council.
- 10.10 All trust funds will, wherever possible, be in the name of the Council. All monies left in trust to the Council or to be administered by its officials must be notified immediately to the Chief Financial Officer.
- 10.11 All nominated capital balances held in relation to Common Good and Trust Funds administered by the Council will be managed in accordance with the Common Good and Trust Fund Investment Strategy.
- 10.12 Any officer acting as trustee by virtue of their official position must deposit all securities, etc. relating to the trust with the Chief Legal Officer unless the deed otherwise provides.

## **11. BANKING ARRANGEMENTS, CHEQUES AND OTHER PAYMENT MEDIA**

- 11.1 All arrangements with the Council's bankers will be made by or under arrangements approved by the Chief Financial Officer, who is authorised to operate such bank accounts as they may consider necessary. This regulation will also apply to bank

accounts for all Voluntary Funds and Imprests operated by Officers of the Council by reason of their employment.

- 11.2 All cheques on the Council's main banking accounts will be ordered only on the authority of the Chief Financial Officer or other officer authorised by them, who will make proper arrangements for their safe custody.
- 11.3 Cheques on the Council's main banking accounts will bear the facsimile signature of the Chief Financial Officer or be signed by Chief Financial Officer, or other Officer authorised by them to do so.
- 11.4 The Chief Financial Officer is authorised to overdraw the Council's main bank account from time to time as may be necessary, providing that the overdraft at any time does not exceed £250,000 unless in emergency circumstances.
- 11.5 The Chief Financial Officer is authorised to make use of the most appropriate payment media having regard to their security and cost effectiveness.
- 11.6 Any employee who considers they require to open and operate a bank account in the name of the Council for the performance of their duties shall require the prior written approval of the Chief Financial Officer to do so. This includes any bank account opened in relation to a voluntary fund as listed in 26.4 below and those opened on behalf of private individuals under corporate appointeeship arrangements.
- 11.7 The Chief Financial Officer is required to maintain a central register of all bank accounts operated by the Council, including those for voluntary funds and corporate appointeeships. It is the responsibility of each Directors to ensure that information in relation to bank accounts operated within their service is reported to the Chief Financial Officer for inclusion in the register.
- 11.8 Any Payment Cards will be used only on Council business and within authorised limits. Receipts must be obtained and retained wherever possible, reconciliations completed on a monthly basis and any evidence of irregularity should be immediately advised to the Chief Financial Officer.

## 12. INCOME

- 12.1 Directors will report annually to Council, as part of the setting of the Council's Financial Plan, on the charging policy to be adopted for the forthcoming financial year for services provided under their control.
- 12.2 The collection of all money due to the Council will be under arrangements approved by the Chief Financial Officer. Directors should ensure compliance with the [Income Management policy](#).
- 12.3 Payment for goods or services provided should be sought in advance of the goods or service being provided wherever possible.
- 12.4 The Chief Financial Officer must be notified promptly of all income due to the Council. Directors must ensure that invoices for goods or services provided are issued as soon as possible after provision of the goods or service and provide the Chief Financial Officer with all relevant details in connection with work done, goods supplied or

services rendered and of all other amounts due as may be required by them to record correctly all sums due to the Council in line with the [Debt Recovery Policy](#).

- 12.5 The Chief Financial Officer must be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money. The Chief Financial Officer will have the right to inspect any documents or other evidence in this connection as they may decide.
- 12.6 All invoices, receipt forms, books, tickets and other such items of financial stationery will be ordered by the Chief Financial Officer and supplied to Directors, who in turn should ensure that satisfactory arrangements for the control of these items are in place.
- 12.7 All money received by an officer on behalf of the Council must be lodged in the Council's bank account without delay (or as otherwise directed or passed to a member of the Income Reconciliation team). No deduction may be made from such money unless authorised by the Chief Financial Officer. No cheques will be cashed out of money held on behalf of the Council. Each officer who banks money must provide to the Chief Financial Officer a relevant reference to the income received (such as the sundry debtor account number, receipt number or the name and address of the debtor) or otherwise indicate the origin of the cheque/cash.
- 12.8 Every transfer of Council money between Services must be recorded on the appropriate form and signed by the appropriate official. In the case of electronic transfers the procedures determined by the Chief Financial Officer must be followed.
- 12.9 The Chief Financial Officer has authority to write-off individual irrecoverable debts up to £100,000 and shall report to the Executive Committee annually on the aggregate amounts written off. Any debt in excess of £100,000 may only be written-off as irrecoverable following approval by the Executive Committee. All debt due to the Council will be recovered in line with the [Debt Recovery policy](#).
- 12.10 The Chief Financial Officer is responsible for collection and recovery of all debts due to the Council.

### 13. GRANT APPLICATIONS AND CLAIMS

- 13.1 It is the responsibility of Directors to ensure that they identify all opportunities for the Council to claim grants available to it and submit grant applications to the awarding body.
- 13.2 It is the responsibility of Directors to ensure that the Chief Financial Officer is advised of the details of all grants receivable by the Council and is involved in applications where the amounts involved are significant.
- 13.3 The Chief Financial Officer is responsible for maintaining a register of all significant grants receivable by the Council and providing details of these to the appropriate Director.
- 13.4 All grant claims must be completed timeously by the appropriate Directors in accordance with Financial Procedure "[Following the Public Pound](#)" available from the Finance team and on the Intranet.

## 14. RISK MANAGEMENT

- 14.1 CMT will act as risk champions, driving risk management from the top down, ensuring all major decisions are subject to a risk assessment, and fostering a supportive culture where all members of staff are openly able to discuss and escalate risks to the appropriate level. CMT will regularly review the most significant risks threatening the Council's strategic objectives.
- 14.2 Directors are responsible for ensuring that proper arrangements are in place to manage risk in respect of the Services for which they are responsible and should:
- Ensure that they understand the risk policy, process and reporting requirements;
  - Ensure Risk Registers are compiled and maintained for each Service, Programme or Project based on a comprehensive assessment of risk;
  - Challenge the status of identified risks, ensure appropriate risk mitigation actions are underway to address all the risks identified in the Risk Registers, and escalate risks and mitigations, as required;
  - Develop, maintain and test Business Continuity Plans to ensure delivery of crucial service to the public during periods of disruption.
  - Support internal and external audits;
  - Deliver periodic presentations to the Audit Committee to outline the strategic risks facing their Services and internal controls and governance in place to manage or mitigate those risks; and
  - Carry out the complete risk management process on all major activities in accordance with approved [risk management strategy, policy and guidelines](#) (available on the Intranet - Your Job – Risk Management).
- 14.3 Directors will be required to provide the Chief Executive with annual assurance in relation to the risk management arrangements operating in their Service as part of their Annual Assurance Statement on Internal Control and Governance.
- 14.4 Internal Audit is required to review the efficacy of Risk Management arrangements and associated internal controls put in place by Management and provide independent assurance on the effectiveness of the Risk Management Strategy and activities as part of its assurance on the Council's Corporate Governance arrangements.

## 15. INSURANCE

- 15.1 All Insurance arrangements are provided under an SLA with the City of Edinburgh Council. The Chief Financial Officer will affect all insurance cover and negotiate all claims in consultation with other officers where necessary. All correspondence regarding claims against the Council must be passed immediately to the Chief Legal Officer in accordance with the [Insurance guide and online forms](#) (available on the Intranet). Under no circumstances should liability of the Council be acknowledged or admitted by an employee or an Elected Member. This requirement applies to any Arms Length External Organisations (ALEOS) established by the Council and to External Contractors working on behalf of the Authority.

- 15.2 Directors must give prompt notification to the Chief Financial Officer of all new risks, property or plant, vehicles or equipment which require to be insured and of any alteration affecting existing insurances including those related to services being delivered via joint working and partnership arrangements.
- 15.3 Directors must immediately notify the Chief Financial Officer in writing of any loss, liability or damage or any event likely to lead to a claim and, after consultation with the Chief Executive, inform the Police where appropriate.
- 15.4 All appropriate employees of the Council will be included in a suitable fidelity guarantee insurance policy if their duties require it.
- 15.5 In accordance with the Insurance guide and online forms (available on the Intranet). The Chief Financial Officer will annually, or at such other period as they may consider necessary, review all insurances in consultation with Directors, as appropriate.
- 15.6 Directors must consult the Chief Legal Officer regarding the terms of any indemnity which the Council is requested to give.
- 15.7 The Chief Financial Officer has authority to obtain the advice of consultants on insurance and risk management matters, subject to sufficient budgetary provision.
- 15.8 Proposals from Directors for ex-gratia payments in relation to insurance claims must be submitted to the Chief Financial Officer for consideration and approval, subject to sufficient budgetary provision.

## 16. INTERNAL AUDIT

- 16.1 The Local Authority Accounts (Scotland) Regulations 2014 require a local authority to operate a professional and objective internal auditing service. This service must be provided in accordance with the professional standards set out in Public Sector Internal Audit Standards (PSIAS).
- 16.2 A continuous Internal Audit, under the independent control and direction of the Chief Officer Audit & Risk, will be arranged to carry out a programme of assurance and consultancy work to review systems and activities that are currently existing or under development, in all directorates throughout the Council, to objectively provide assurance on the adequacy of systems of internal control, governance, and risk management. Work will be directed by risk and will be carried out in accordance with the Internal Audit Charter, Internal Audit Strategy and Internal Audit Annual Plans (all available on the Intranet - Your Job - Audit) approved by the Audit Committee.
- 16.3 Directors and Managers should engage with Internal Auditors in a positive way to achieve shared goals for robust systems of internal control, governance, and risk management, and should implement recommendations within agreed timescales to demonstrate best value and continuous improvement.

## 17. PREVENTION OF FRAUD, THEFT, CORRUPTION OR CRIME

- 17.1 CMT will act as counter fraud leaders, tackling fraud from the top down, allocating sufficient resources proportionate to the level of fraud risk to ensure that income is maximised and assets are safeguarded, and fostering a strong counter fraud culture.
- 17.2 The Integrity Group, whose purpose is to improve the Council's resilience to fraud, theft, corruption or crime, will support Management to fulfil their responsibilities in tackling fraud. It will:
- oversee the counter fraud policy framework;
  - consider fraud risks and carry out counter fraud controls assessments;
  - agree and monitor the implementation of improvement actions; and
  - raise awareness as a method of fraud prevention.
- 17.3 Directors are responsible for implementing policies, procedures and controls to prevent and detect fraud, theft and corruption in their Services in accordance with the [corporate counter fraud policy, strategy and guidelines](#) and the Council's Anti Money Laundering Policy (available on the Intranet under Finance).
- 17.4 Senior management will:
- identify fraud and corruption risks;
  - ensure that they understand and apply the counter fraud policy requirements within their own service provision procedures and practices to ensure a comprehensive and coherent approach to fraud prevention, detection and investigation;
  - take action to prevent, detect and investigate fraud;
  - periodically highlight to staff the importance of behaving with integrity;
  - support internal and external audits; and
  - carry out a periodic review of the efficacy of their counter fraud arrangements.
- 17.5 All employees will act within the law and behave with integrity, honesty and openness as set out in Employee Code of Conduct and HR policies (available on the Intranet).
- 17.6 Where fraud, theft, corruption or crime is suspected:-
- employees shall comply with the "Whistleblowing" policy within Code of Conduct for Employees (available on the Intranet within HR Policies and Procedures) as appropriate;
  - employees shall comply with the "[Anti-Money Laundering Policy](#)" (available on the Intranet).
  - Directors and Managers are responsible for reporting all actual or suspected cases of fraud, theft, corruption or crime to the Chief Officer Audit & Risk by email [fraud@scotborders.gov.uk](mailto:fraud@scotborders.gov.uk), and initiating an investigation and ensuring this is conducted in accordance with the "Guidelines on Conducting Investigations"

(available on the Intranet within "[HR Policies and Procedures](#)"), the aim of which is to take corrective action, minimise losses and help prevent further frauds.

- 17.7 Internal Audit is required to give independent assurance on the effectiveness of processes put in place by Management to manage the risk of fraud. Internal Audit's other responsibilities in relation to fraud are provided in more detail within the Internal Audit Charter (available on the Intranet – Your Job - Audit).

## 18. ASSET MANAGEMENT

- 18.1 Directors are responsible for managing and continuously reviewing the utilisation of all assets in or under their control or custody and for the preparation of Asset Management Plans as required by the Council, Executive Committee, Chief Executive or Chief Financial Officer.
- 18.2 The Director - Infrastructure & Environment is responsible for maintaining a register of all heritable property in the Council's ownership (including that held by Common Good Funds).
- 18.3 Directors must consult with the Director Infrastructure & Environment, Chief Legal Officer and the Chief Financial Officer regarding any acquisition, disposal or lease of land and/or buildings by the Council.
- 18.4 Adequate budgetary provision must be identified for any property acquisition or lease to the Council, which must be first confirmed by the Chief Financial Officer.
- 18.5 All terms and conditions of a property transaction must be first approved by the Director Infrastructure & Environment, Chief Legal Officer and the Chief Financial Officer before conclusion of the transaction.
- 18.6 Directors are responsible for maintaining inventories of all moveable assets which record an adequate description of furniture, fittings and equipment, computer hardware and software, vehicles, plant and machinery under their control and which is the property of the Council which shall be operated and managed in accordance with the Financial Procedure "Inventories" available on the Intranet. The form in which inventories are recorded is to be determined by the appropriate Director, be consistent with the standard inventory form shown in the financial procedure and agreed by the Chief Financial Officer.
- 18.7 Directors are responsible for maintaining an annual check of all items on their service inventory, for taking action in relation to surpluses or deficiencies and amending the inventory and advising the Chief Financial Officer accordingly.
- 18.8 Furniture, fittings and equipment, computer hardware and software, vehicles, plant and machinery belonging to the Council will not be removed otherwise than in accordance with the ordinary course of the Council's business. No property or equipment may be used other than for Council purposes except with the specific approval of the Directors concerned. In the case of I.T. equipment, the additional approval of the Director of Finance is also required.

- 18.9 Directors are responsible for the care and custody of the stocks and stores in their service which shall be managed in accordance with the Financial Procedure “[Stocktaking guidance](#)” available from the Finance team and on the Intranet.
- 18.10 Directors will, at least once per year, review the level of stocks held and ensure these are not in excess of normal requirements except in special circumstances.
- 18.11 Directors will, after consultation with the Chief Financial Officer, make arrangements for periodic sample examinations of stocks by persons other than the storekeeper concerned. All adjustments of stock valuations in the stores accounting records for write-offs, stock deficiencies, obsolescence, etc. may only be made with the approval of the Chief Financial Officer.
- 18.12 The Chief Financial Officer will be entitled to receive from Directors such information as they require in relation to stores for the accounting, costing and financial records.
- 18.13 Surplus moveable assets shall be disposed of by competitive tender or public auction unless decided otherwise in a particular case after consultation with the Chief Financial Officer. Surplus I.T. equipment will be disposed of by a third party with the specific approval of the Chief Financial Officer.

## 19. SECURITY

- 19.1 Directors are responsible for ensuring proper security is maintained at all times for all buildings, stocks, stores, furniture, equipment, vehicles, plant, cash, computer systems etc under their control.
- 19.2 Maximum limits for cash holdings will be agreed with the Chief Financial Officer and must not be exceeded without their express written permission.
- 19.3 Keys to safes and similar receptacles must be kept in the custody of the persons responsible at all times. The loss of any such keys must be reported immediately to the Chief Financial Officer and where appropriate to the Police.
- 19.4 Directors are responsible for maintaining proper security and privacy of information in respect of computer systems and manual records and for ensuring that the provisions of the Data Protection Act 1998 and subsequent legislation are complied with.

## 20. CONTRACTS FOR BUILDING, CONSTRUCTION OR ENGINEERING WORK

- 20.1 Where contracts provide for payment to be made by instalments, the supervising Directors will arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the Contractor.
- 20.2 Payments to Contractors on account of contracts will be made only on a certificate of payment issued by the supervising Directors or other officer nominated for the purpose.

- 20.3 Subject to the provisions of the contract in each case, every variation must be authorised or confirmed in writing by the supervising Directors or other officer or consultant nominated for the purpose.
- 20.4 Any change in the estimated cost and / or phasing of a project must be reported to the next available meeting of the Executive Committee for consideration of its effect and a recommendation as to the course of action to be followed.
- 20.5 The Chief Financial Officer will, to the extent they consider necessary, examine records and accounts for contracts and they will be entitled to make all such enquiries and receive such information and explanations as they may require in order to satisfy them as to the accuracy of the records and accounts.
- 20.6 Claims from contractors and third parties in respect of matters not clearly within the terms of any existing contract will be referred to the Chief Legal Officer and Chief Financial Officer for consideration of the Council's legal liability and consideration of the financial aspects before a settlement is reached. A report by the Directors responsible for the contract on each proposed ex gratia and/or extra contractual claim will be submitted to the Executive Committee, as appropriate, for approval.
- 20.7 Where completion of a contract is delayed, it shall be the duty of the Directors concerned to take appropriate action in respect of any claim for liquidated damages, loss and/or expense and to report their action to the Executive Committee as appropriate.

## 21. PROCUREMENT OF GOODS, SERVICES & WORKS

- 21.1 The procurement of all goods, services and works shall be in accordance with the relevant provisions in the Council's Procurement & Contract Standing Orders, The Procurement Reform Act (Scotland) 2014, the Public Contracts (Scotland) Regulations 2015, the Procurement (Scotland) Regulations 2016, and the Council's approved Corporate [Procurement Strategy](#). The [Purchasing Handbook](#) is complementary and supportive of Standing Orders and Financial Regulations. The handbook provides an additional and less technical source of guidance, allowing officers to procure in accordance with all related governance.
- 21.2 Official orders shall be in a form approved by the Chief Financial Officer.
- 21.3 Any major procurement or contract which is of a significant amount and of strategic relevance to the Council must be authorised / signed by the Chief Legal Officer. (A major procurement is defined by any activity that requires approval by any committee of the Council.)
- 21.4 Official orders shall be authorised (whether by signature or electronic means) only by officers authorised by the appropriate Directors who will be responsible for official orders issued from their services as defined by the scheme of delegation that is used within Businessworld.

- 21.5 Official orders shall be issued for all work, goods or services to be supplied to the Council. Orders should be issued using the Procurement (Purchasing) module of the Council's ERP system, Business World.
- 21.6 Each order must conform to any directions of the Council or the Chief Financial Officer with respect to central purchasing and the standardisation of supplies and materials.
- 21.7 A copy of each order should be retained in accordance with the Records Management and Retention Policy, and access granted, if so requested, to the Chief Financial Officer.
- 21.7 Directors must consult the Chief Financial Officer, prior to the procurement of any asset, so that the advantages or otherwise of leasing/contract hire as compared to purchasing may be evaluated.
- 21.8 All terms and conditions of a leasing/contract hire contract, prior to being agreed and signed, must first be approved by the Chief Financial Officer and Chief Legal Officer.
- 21.9 In relation to the funding of external bodies, any payments or in-kind provision shall be in accordance with the Council's Code of Practice on 'Following the Public Pound' available on the Intranet.

## 22. PAYMENT OF INVOICES

- 22.1 The Chief Financial Officer is responsible for making payment of all certified invoices and monies due by the Council.
- 22.2 The normal method of payment of money due from the Council will be by Bankers Automated Clearing System (BACS) or other instrument drawn on the Council's bank account by the Chief Financial Officer. The Chief Financial Officer has the authority to arrange for payments to be made direct from the Council's bank account by BACS, direct debit, standing order or other means.
- 22.3 Directors are responsible for ensuring that all invoices and other payment vouchers arising from sources in their service are examined, checked, verified and certified in accordance with instructions issued by the Chief Financial Officer. Invoices arising from orders raised using the Council's ERP system Business World shall be released for payment only when all electronic authorisation orders have been completed. Otherwise, certification of invoices and all other payment vouchers must be in manuscript (or other means approved by the Chief Financial Officer) by or on behalf of the Directors. The names of officers, together with specimen signatures and initials where appropriate, authorised to certify such payments must be sent to the Chief Financial Officer by Directors.
- 22.4 Before certifying or authorising an invoice for payment the certifying officer must be satisfied that:-
- An official order, where required, has been properly raised and authorised for the work, goods or services;

- The work, goods or services to which the invoice relates, are the same as that ordered, has been received, carried out, examined and approved;
  - The relevant expenditure has been properly incurred and is within the relevant budget provision;
  - Appropriate entries have been made in asset registers, inventories, stores records, or stock systems as required;
  - The invoice has not been previously passed for payment and is a proper liability of the Council; and
  - The appropriate ledger code, VAT code and other relevant information has been properly entered on the invoice against orders raised, acceptable to the Chief Financial Officer.
- 22.5 Except under an approved scheme of devolved invoice processing, all invoices must be sent in the first instance to the Payments section. In accordance with the guidance specified on the official orders, the supplier must quote the official order number, details of the goods or services supplied and the place where the work was done or goods delivered.
- 22.6 Directors should ensure that their staff address any Purchase to Pay (P2P) task items promptly in the ERP system Business World.
- 22.7 Immediately after the end of each financial year Directors will notify the Chief Financial Officer of all outstanding expenditure relating to that year in accordance with the "end of year accounting instructions and timetable".

### **23. SALARIES, WAGES, PENSIONS AND ALLOWANCES**

- 23.1 The payment of all salaries, wages, pensions, compensation, allowances and other emoluments to all employees, former employees, elections staff or Elected Members of the Council will be made by the Director People, Performance & Change (in consultation with the Chief Financial Officer) or under arrangements approved and controlled by them.
- 23.2 Directors are responsible for notifying the Director People, Performance & Change as soon as possible of all matters affecting the payment of such emoluments, in particular :-
- appointments, resignations, dismissals, suspensions, secondments and transfers;
  - changes in remuneration, excluding increments and pay awards;
  - information necessary to maintain records of service for pension, income tax and national insurance.

- 23.3 Directors will, in accordance with the agreed procedures, notify the Director People, Performance & Change immediately of absences from duty for sickness or other reason, apart from approved paid leave.
- 23.4 Appointments of all employees will be made in accordance with the appropriate policies of the Council and within the approved budget.
- 23.5 The Council's approved Overpayment Policy determines the process for retrieving any overpayments made to employees.
- 23.6 All time records, overtime claims and other pay documents will be in a form prescribed or approved by the Director People, Performance & Change and will be certified in manuscript (or other means approved by the Director People, Performance & Change) by or on behalf of the relevant Directors. All payments are authorised by the appropriate budgetary authority as prescribed by the workflow within Business World.
- 23.7 The Democratic Services Manager is responsible for advising the Director People, Performance & Change of all changes to Allowances payable to elected Members including:
- Election to and resignation from the Council;
  - Appointment to and resignation from posts carrying additional and/or special responsibilities.

#### **24. TRAVELLING, SUBSISTENCE AND OTHER EXPENSES**

- 24.1 All staff are required to complete the 'Business Travel Decision Maker' before travel to ensure the most efficient and effective approach is taken to travel. The options include use of technology to access a meeting remotely, car sharing, travel by train and use of Council pool cars. Should the decision maker result in a recommendation to seek approval from line management to use own vehicle and therefore claim mileage, paragraphs 24.2 – 24.6 must be complied with.
- 24.2 Payments to Members and employees of the Council who are entitled to claim for travelling or other expenses will only be made for actual expenditure reasonably and necessarily incurred in the course of their duties.
- 24.3 Payments to Members of the Council including co-opted members of its Committees who are entitled to claim travelling or other allowances will be made by the Director People, Performance & Change following submission of the prescribed form duly completed and signed and supported, where appropriate, by receipts. All mileage claims should be supported by fuel VAT receipts and be in accordance with the Mileage Guidelines issued by Human Resources (available on the Intranet in HR Policies and procedures).
- 24.4 All claims by employees for payment of car mileage allowance, subsistence allowance, travelling and incidental expenses will be submitted electronically online to the Director People, Performance & Change. Claims are approved via the appropriate manager in Business World before being submitted for processing, Claims must be in a

form approved by the Director People, Performance & Change, made up to a specified date of each month, and submitted to them within three working days thereof and supported, where appropriate, by receipts. All mileage claims should be supported by fuel VAT receipts and be in accordance with the Mileage Guidelines issued by Human Resources (available on the Intranet in HR Policies and procedures).

- 24.5 Certification of claims by the authorising officer will be taken to mean that they are satisfied that the journeys were authorised, the expenses properly and necessarily and actually incurred and that the allowances are properly payable by the Council.

## 25. IMPREST ACCOUNTS

- 25.1 The Chief Financial Officer will provide such imprest accounts for such officers of the Council as may need them for the purposes of defraying petty cash and other small expenses which shall be operated and managed in accordance with the Financial Procedure "[Managing Petty Cash](#)" available from Payment Services and Finance and on the Intranet. The use of petty cash should be limited and will only be available where normal payment mechanisms or a purchase order card cannot be used.
- 25.2 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid to the Authority as provided elsewhere in these Regulations.
- 25.3 All payments from Imprest Accounts will be limited to minor items of expenditure and must wherever practicable be supported by a receipted voucher.
- 25.4 The Chief Financial Officer will annually request from an imprest holder or a holder of cash floats, a certificate as to the state of the imprest account held by them. It is the responsibility of the imprest holder for custody, reconciliation and management of the imprest. The imprest holder may be held responsible for any deficiency due to improper use of Council funds following an investigation.
- 25.5 Larger imprests may be held in a bank account and the bank account title must include the name 'SCOTTISH BORDERS COUNCIL'. Imprest bank accounts can only be opened on the authorisation of the Chief Financial Officer and must comply with Regulation 11.1.
- 25.6 Claims for reimbursement of Imprest Accounts must be made by the imprest holder in accordance with procedures and timescales determined by the Chief Financial Officer.
- 25.7 Imprest Accounts must not be increased or topped up from other funds or from personal funds.
- 25.8 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest, an officer will account to the Chief Financial Officer for the amount advanced to them. Line Managers are responsible for informing Payment Services if an imprest holder leaves, who the imprest should be reassigned to, and where applicable, for the physical transfer of the imprest to the new named imprest holder.

## 26. PRIVATE PROPERTY AND VOLUNTARY FUNDS

- 26.1 All arrangements for the safekeeping of valuables (e.g. cash, jewellery, watches, bank books, documents of title etc. deposited with an employee of Social Work) will require to be approved by the Chief Financial Officer.
- 26.2 The Chief Financial Officer must be advised of all voluntary funds, e.g. school funds, comfort funds, etc., administered by officers of the Council by reasons of their employment. It will be the duty of such officers to prepare annual accounts promptly and to arrange for the accounts to be examined by a competent and appropriately qualified person who is independent of administering the Fund.
- 26.3 Paragraphs 11.1 and 16.1 of these Regulations will apply to this section.
- 26.4 Accounts and supporting records should be prepared and maintained in accordance with the appropriate Financial Procedures available from Finance or on the Intranet as follows:-
- [Welfare and Comfort funds held in Residential and Day Centres](#)
  - [School Funds: Guidelines to Headteachers on Accounting Procedures](#)
  - [Financial Advice to Honorary Treasurers, Honorary Auditors and Other Office Bearers of Community Centres](#)

## 27. TRADING ORGANISATIONS

- 27.1 It may be practical in certain circumstances, to enable the operation of Trading Organisations, for certain Financial Regulations to be waived. The appropriate Directors shall require the written authority of the Chief Financial Officer, in consultation with the Chief Executive before such action is taken.

## 28. DELEGATION

- 28.1 It shall be competent for any Director to delegate any or all of the powers, duties and responsibilities set out in these Regulations to any member of staff they line manage (either directly or indirectly) subject to :-
- the powers, duties and/or responsibilities being set out in writing and cross-referred to the appropriate Financial Regulation
  - the officer to whom the delegation is made expressly acknowledging and accepting the delegated powers, duties and/or responsibilities in writing to the Director
  - the Director sending copies of the delegation and acceptance to the Chief Financial Officer for approval.
- 28.2 Paragraph 28.1 shall not apply to the statutory duties imposed on the Section 95 Officer or the Monitoring Officer.

## 29. EMPLOYEE RESPONSIBILITIES

### 29.1 Breach of Financial Regulations

If you believe that anyone has broken, or may break, these Financial Regulations, you must report this immediately to the Chief Financial Officer (or, if more appropriate, to the Chief Legal Officer who may then discuss the matter with the Chief Executive, Chief Financial Officer) or any other member of CMT or authorised person as appropriate to decide what action to take.

### 29.2 Failure to Comply

Failure to comply with any requirement contained within these Financial Regulations, and associated documents, may result in the matters being dealt with under the Council's Human Resources Policy Framework.

## 30. REVIEW

- 30.1 The Chief Financial Officer, in consultation with CMT shall review these Regulations on a regular basis, generally triennially. Minor update changes to financial regulations are delegated to the Chief Financial Officer in consultation with the Chief Officer Audit and Risk. Financial regulations will be published on the Intranet. Financial regulations should be reviewed by Council at least every 3 years.

**CAPITAL EXPENDITURE****APPENDIX 1**

1. Decisions on the proper accounting treatment of capital expenditure rest with the Chief Financial Officer and will be taken with reference to the definitions contained in the most recently published CIPFA Local Authority Code of Accounting practice.
2. All expenditure on the acquisition, creation or enhancement of long term assets should be treated as Capital. Expenditure to be treated as provision of a long term asset is:-
  - acquisition, reclamation, enhancement or laying out of land.
  - acquisition, construction, preparation, enhancement or replacement of roads, buildings and other structures.
  - acquisition, installation or replacement of plant, machinery, apparatus, vehicles and vessels.
  - Acquisition or development of intangible assets.

“Enhancement” means carrying out works which are intended to:-

  - lengthen substantially the useful life of the assets; or
  - increase substantially the open market value of the assets; or
  - increase substantially the extent to which the asset can or will be used for the purposes of or in connection with the functions of the authority.
3. Expenditure on the acquisition of a long term asset, or expenditure which adds to, and not merely maintains, the value of an existing asset, is Capital provided that the asset yields benefits to the authority and the services it provides are for a period of more than one year.
4. Improvement works and structural repairs should be treated as Capital, whereas expenditure to ensure that the asset maintains its previously assessed standard of performance is Revenue.
5. The costs of keeping an asset in good repair or decoration to reach its assessed period of useful life are revenue.
6. The Prudential Code requires the authority to identify the impact of capital investment decisions by forecasting total budgetary requirements. The budgetary requirements should be included in the authority’s revenue budget. For this purpose, capital expenditure includes all of the above, as well as items such as:-
  - approved lending on mortgage for house purchase
  - approved on-lending to Registered Social Landlords and for NHT arrangements
  - specific consent to borrow from Scottish Government
  - lending for car purchase
  - lending to the private sector
  - grants to the private sector (for capital expenditure items) as permitted under legislation and consents from Scottish Government
  - assets acquired by way of finance lease or under PPP / PFI / NRD financing arrangements
7. Individual assets with a cost of less than £5,000 and a group of assets with a combined cost of less than £20,000 will not be treated as capital expenditure and must be charged to revenue.

**CAPITAL INVESTMENT PRINCIPLES****APPENDIX 2**

The capital investment principles underpinning the Capital Programme are as follows:

- To ensure that **best value for money** is derived from the Council's capital investment through better planning.
- To demonstrate to stakeholders that the capital investments are **in line with the Council's key long term objectives** in relation to the development and delivery of its services.
- To use the Capital Planning Process to demonstrate that the Council is **delivering its key objectives in a considered and objective manner**.
- To use the longer term planning horizon **to undertake rigorous option appraisal**, and **examine and mitigate risks** associated with delivery of the schemes within the programme.
- To plan for the **better use of scarce financial resources**, both revenue and capital, and to look for opportunities to reduce dependency on revenue.
- To better **align capital investment to the best management** of the Council's asset portfolio.
- To **embed project management disciplines** into the delivery of schemes to deliver them on-time and within budget.

**TREASURY MANAGEMENT POLICY STATEMENT****APPENDIX 3****Adopted by Council – 22 April 2010**

1. The Council defines its treasury management activities as:

*The management of the Council's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of the optimum performance consistent with those risks.*

2. The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the Council.
3. The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving best value in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.
4. The Chief Financial Officer will from time to time formulate suitable criteria for assessing and monitoring the credit risk of investment counterparties and shall construct a lending list defining appropriate limits.