



Dear Councillor

17 October 2019

You are summoned to attend an **EXTRAORDINARY** meeting of the **TOWN COUNCIL** to be held on **TUESDAY 22 OCTOBER 2019** to follow **Resources Committee** in the **COMMITTEE ROOM**, Town Hall, West Borough, Wimborne Minster.

Members of the public are advised that they may speak at the meeting on items on the agenda, at the discretion of the Chairman, if notification is given to the Town Clerk prior to the meeting.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Laurence Hartley'.

Town Clerk

AGENDA

- 1 **SUSPENSION OF STANDING ORDERS**
To suspend Standing Orders Number 1 (relating to venue), 30 (standing to speak) and those parts of Number 29 relating to speaking more than once.
- 2 **APOLOGIES FOR ABSENCE**
- 3 **LOCALISM ACT 2011 – DISPENSATIONS FROM SECTION 31(4)**
To consider granting a dispensation received by the Town Clerk in accordance with the provisions of this Act for Cllr Mike Hopkins. The ground for the dispensation is that it is in the interests of persons living in the area for Cllr Hopkins to participate in meetings relating to the budget and precept until May 2024.
- 4 **EXTERNAL AUDIT OF ACCOUNTS 2018/19**
To receive the External Auditor's Certificate and opinion for the financial year ended 31 March 2019 (copy herewith).
- 5 **REVIEW OF FINANCIAL REGULATIONS**
To consider the report of the Town Clerk (copy herewith).
- 6 **REPRESENTATION ON OUTSIDE BODIES – WIMBORNE BID**
To note that Wimborne BID no longer requires the Town Council's representative to be a Director on the BID Board.



- 7 **CHRISTMAS CLOSURE OF OFFICE**
To consider the report of the Town Clerk (copy herewith).
- 8 **SAVE THE CHILDREN PARADE (Min 103 – 06.09.19)**
To consider the report of the Chairman of the Council (copy herewith).
- 9 **EXCLUSION OF PRESS & PUBLIC**
- 10 **RISK ASSESSMENT 2019/20**
To consider the risk assessment prepared for the current financial year as required by the External Auditor (copy circulated separately).

As will have been noted from the comment from the External Auditor (and drawn to the Council's attention by the Internal Auditor in his report to the Council on 18 June 2019) for a variety of reasons the 2018/19 Risk Assessment was not submitted to Council during that Financial Year even though the Risk Assessment had been completed.

TO ALL MEMBERS OF THE TOWN COUNCIL

LOCALISM ACT 2011 and CODE of CONDUCT

Members are reminded to comply with those elements of the Localism Act and the Town Council's Code of Conduct in respect of disclosable pecuniary interests.

GENERAL CONDUCT

Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (race, gender, sexual orientation, marital status and any disability), Crime & Disorder, Health & Safety and Human Rights. and Data Protection (General Data Protection Regulation).

Section 3 – External Auditor Report and Certificate 2018/19

In respect of **Wimborne Minster Town Council – DO0177**

1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

2 External auditor report 2018/19

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

The smaller authority has confirmed that it has not complied with the governance assertion in Section 1, Box 5, but it has provided the appointed auditor with an adequate explanation for non-compliance and details of the actions necessary to address weaknesses identified.

In the completion of the Annual Internal Audit Report, the internal auditor has drawn attention to significant weaknesses in relation to risk assessment. The smaller authority must ensure that action is taken to address these areas of weakness in a timely manner.


3 External auditor certificate 2018/19

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2019.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature



Date

16/09/2019

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2018/19 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

EXTRAORDINARY TOWN COUNCIL

Date: 22 OCTOBER 2019

Reference: Item 5 – Review of Financial Regulations

Author: Town Clerk

1.0 Introduction and Background

Financial Regulations govern the conduct of financial management by the Council. They provide procedural guidance for members and officers. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

The Council's Financial Regulations were last revised in 2017. Changes have needed to be made because of LGR and the move to online banking. The National Association of Local Councils (NALC) has also issued revised model financial regulations which have been incorporated where applicable.

The revised Regulations attached have been drawn up in consultation with the Chairman and Vice-Chairman of Resources Committee and the Internal Auditor.

2.0 Main Changes

As some of the Regulations have been added, deleted or moved under a different heading (e.g. Regulations 26 & 27 have been moved more appropriately to the 'Payments' heading) the numbers of the existing Regulations will not always match those in the revised document. With the exception of the reference to Regulation 19, the Regulation numbers below refer to the revised Regulations.

Regulations 5 & 6 replace the previous regulations dealing with budget preparation and reflect that Committees no longer formulate their individual budgets for submission to Council. The draft budget for all Committees is considered by the whole Council at one meeting in January for the purpose of agreeing the budget and fixing the precept for the following year.

Regulation 10 reflects the wish of the Resources Committee to review the annual budget quarterly.

Regulation 11 replaces former Regulation 12 and reflects the desire of the Chairman of the Council to review the Town Clerk's spending limit.

Former Regulation 19 has been deleted as the Internal Auditor, Chairman & Vice-Chairman and I believe it is unnecessary and does not add any value to the accounting procedures.

Regulation 27 has been added and sets out procedures for making payments online.

Regulation 31 has been amended as recommended by the Internal Auditor and approved by Council on 18 June 2019.

Regulation 33 has been extended to set out the role of the Internal Auditor.

Regulation 34 strengthens the controls on overtime worked.

Regulation 37 has been added at the suggestion of the Chairman of Resources Committee.

Regulation 51 has been added as recommended in the NALC Model Financial Regulations.

Regulation 53 d) has been added to clarify the spending protocol on repairs.

Regulation 55 c) to h) has been added as recommended in the NALC Model.

Regulations 65, 66 and 67 have been added as recommended in the NALC Model.

Regulation 69 has been amended to ensure that activities and events organised by the Town Council are properly insured.

Regulation 74 has been added as recommended by the NALC Model.

3.0 Action Required

The Council is asked to adopt the revised Regulations.

WIMBORNE MINSTER TOWN COUNCIL

FINANCIAL REGULATIONS

GENERAL

- 1 Under these regulations the term 'RFO' means the Responsible Financial Officer who is the Town Clerk. The term FA means the Finance Administrator.
- 2 These Financial Regulations shall govern the conduct of the financial transactions of the Council and may be amended or varied only by resolution of the Council.
- 3 The RFO under the policy direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 4 The RFO shall be responsible for the production of financial management information and ensuring that appropriate reports are published on the Town Council's website within the time constraints as specified by the Local Government Transparency Code.

ANNUAL BUDGET

- 5 A draft budget containing income and expenditure shall be prepared each year by the RFO and submitted to the Council.
- 6 In January each year, the Council shall formulate its budget for the following financial year and determine the precept for that year.
- 7 The annual budget shall form the basis of financial control for the ensuing year.

BUDGETARY CONTROL

- 8 Expenditure on the revenue account may be incurred up to the amounts included in each approved committee budget.
- 9 No expenditure may be incurred which cannot be met from the amount provided in the appropriate committee revenue budget unless:
 - a) savings can be made elsewhere;
 - b) a virement has been approved by the appropriate committee or the Council;

- c) the amount can be met from an earmarked fund;
 - d) the Council has approved the expenditure being met from the General Fund.
- 10 The RFO shall monthly provide the Resources Committee with a statement of year to date income and expenditure against each code of the approved annual budget. The Resources Committee shall review the position of the annual budget quarterly to assess whether there is likely to be any overspending at the end of the financial year.
 - 11 The RFO may incur expenditure of up to £1500 for necessary repairs or replacement provided there is money available in the appropriate budget or fund. In consultation with the Chairman of the appropriate Committee, or Vice-Chairman if the Chairman be unavailable, the RFO may incur expenditure over £1500 and up to £3,000 if there is budgetary provision or a fund to cover the expenditure.
 - 12 Unspent provisions in the budget shall normally go to the General Fund unless an earmarked fund has been set up by the RFO approved by the Council.
 - 13 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted unless the committee concerned is satisfied that sufficient money exists in the appropriate fund or the requisite borrowing approval has been granted.
 - 14 All capital works shall be administered in accordance with these regulations relating to contracts.

ACCOUNTING AND AUDIT

- 15 All accounting procedures and financial records of the Council shall be maintained by the RFO as required by statute or statutory instrument.
- 16 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.
- 17 The following principles shall be observed in connection with accounting duties:
 - a) the duty of administering the accounts and reporting to the Council shall be kept separate from dispersing the funds;
 - b) the duty of administering the cash transactions shall be kept separate from dispersing the cash transactions.
- 18 The RFO shall be responsible for the completion of the Annual Return (as supplied by the Auditor appointed by the Government) within the timescales set down.

- 19 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with statute or statutory instrument.
- 20 The Internal Auditor shall carry out the appropriate number of inspections of the accounts as agreed with the RFO (which shall not be less than twice per year) and submit a report to the RFO at the end of each inspection as well as complete the Internal Auditor's Report section of the Annual Return.
- 21 The Internal Auditor shall be competent and independent from the operations of the Council.
- 22 The RFO shall make arrangements for the opportunity for the inspection of the accounts as required by statute.

BANKING ARRANGEMENTS

- 23 The Council's banking arrangements shall be made by the RFO and approved by the Resources Committee.

PAYMENTS

- 24 The RFO shall ensure that all invoices for payment are checked and verified that the work, goods or services to which the invoices relate, have been carried out, examined and approved.
- 25 Duly certified invoices shall be coded by the FA to the appropriate expenditure head. All possible steps shall be taken to ensure that all invoices submitted, which are in order, will be settled within the terms stated on the invoice or within 30 days of receipt, whichever is the sooner.
- 26 A schedule of payments shall be prepared, together with relevant duly authorised invoices, and presented to the Resources Committee at their monthly meetings. Payments from the schedule shall be authorised by that Committee.
- 27 The RFO or in his absence the Assistant Town Clerk shall verify all online banking payments made by the Finance Administrator as they are inputted into the computer. No online banking payments shall be made by the Finance Administrator without one of those persons being present to verify the payment(s). No single payment in excess of £10,000 shall be made without the payment being further verified by a Councillor as the payment is inputted into the computer. Security arrangements for online banking shall be in a form approved by the Internal Auditor.
- 28 Any cheques authorised for payment shall be signed by two members of the Council and the RFO or Assistant Town Clerk.

- 29 If an urgent payment is necessary before the next scheduled meeting of the Resources Committee, the RFO can arrange payment providing there is no dispute, or any other reason known to delay payment. Details of these payments shall be included in the schedule for the next appropriate meeting.
- 30 The RFO may provide petty cash to other Officers or Councillors for the purpose of purchasing incidental items and other expenses. Vouchers for payment must be provided to claim reimbursement or a signed expenses declaration form signed by the RFO or in his absence the Assistant Town Clerk.
- 31 The RFO shall maintain a petty cash float to a limit of £500 which shall include the imprest account for the Head Groundsman of £200.
- 32 The FA shall ensure that income received in cash is not paid into the petty cash float but banked separately.

PAYMENT OF SALARIES AND WAGES

- 33 The payment of all salaries shall be made on a monthly basis in accordance with the payroll records. The Internal Auditor shall check at the beginning of the financial year that all salary payments are correct and in accordance with the approved establishment.
- 34 All overtime shall be approved by the RFO before it is worked and all time sheets shall be certified by the RFO as to accuracy.
- 35 Deductions for superannuation shall be made monthly and returns sent to Dorset Council. Payment of superannuation contributions will be made to the Pension Fund monthly.
- 36 Statutory deductions for PAYE, NIC and Student Loans will be made monthly and notification submitted to HMRC on or before the payment date to comply with Real Time Information regulations. Payment to HMRC will be made monthly.
- 37 Arrangements shall be made to make deductions from the salary of any member in compliance with any attachment of earnings order issued by the courts or similar bodies.

LOANS AND INVESTMENTS

- 38 All loans and investments shall be negotiated by the RFO in the name of the Council and shall be set for a period of time and on terms and conditions in accordance with a Council resolution. Changes to loans and investments should be reported to the Resources Committee at the earliest opportunity.

- 39 The Council's investment policy shall be in accordance with the Trustee Act 2000.
- 40 All investments of money under the control of the Council shall be in the name of the Council.
- 41 All borrowings shall be effected in the name of the Council.
- 42 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO

INCOME

- 43 The collection of all sums due to the Council shall be the responsibility of the RFO.
- 44 The Council shall review all fees and charges annually.
- 45 Any bad debts shall be reported to the Resources Committee.
- 46 All sums received on behalf of the Council shall be banked as soon as possible.
- 47 A record shall be kept of the origin of each payment and entered onto the Council's accounting software In the case of cheques or cash receipts this will also be entered on a paying-in slip.
- 48 The RFO shall promptly complete any VAT Return that is required.
- 49 Personal cheques shall not be cashed out of money held on behalf of the Council.

ORDERS FOR WORK, GOODS AND SERVICES

- 50 An official order, letter or email shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate, e.g. petty cash purchases. Copies of orders shall be retained.
- 51 A Member may not issue an official order or make any contract on behalf of the Council.
- 52 All Officers are responsible for obtaining value for money. Before an order is issued it should be ensured, as far as practicable, that it represents the best terms available.

CONTRACTS

- 53 Every contract made shall comply with these regulations and no exceptions shall be made otherwise than by direction of the Council or in an emergency. This does not apply to contracts which relate to the following items:
- a) supply of gas, electricity, water, sewerage, internet and telephone services;
 - b) specialist services such as solicitors, accountants, surveyors and planning consultants;
 - c) work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment;
 - d) work to be executed or goods or materials to be supplied which consist of repairs to the Council's buildings or related plant e.g. boilers;
 - e) work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - f) goods or materials which are only sold at a fixed price or which are not available from any other source or are a specialist item.
- 54 Application can be made to waive these regulations to enable a tender to be negotiated without competition. The reason for this shall be embodied in a recommendation to the Council.

TENDERS

- 55 Procedures as to contracts are laid down as follows:
- a) for contracts under £3,000, the Town Clerk shall have authority to enter into a written contract on behalf of the Council provided money is available in a committee budget or fund (see also Fin. Reg.11). Where practicable more than one quotation should be obtained to ensure value for money;
 - b) for contracts over £3,000, three quotations for the carrying out of the work or the supply of goods or materials shall be sought;
 - c) Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations¹.

¹ The Regulations require Councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

- d) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- e) Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one member of Council.
- g) Any invitation to tender issued under this regulation shall refer to the terms of the Bribery Act 2010.
- h) Should it occur that the Council, or duly delegated committee, does not accept any tender and the work is not allocated because the Council requires further pricing, provided that the specification does not change, no tenderer shall be permitted to submit a later tender who submitted an original tender.

56 The Council shall not be obliged to accept the lowest or any tender.

PAYMENTS UNDER CONTRACTS

- 57 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.
- 58 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments.
- 59 Any variation to a contract or addition or omission from a contract must be approved by the Town Clerk in writing.

EQUIPMENT

- 60 The Head Groundsman shall be responsible for the care and custody of all machinery and equipment under his control.

² Thresholds currently applicable are:

- a) For public supply and public service contracts 209,000 Euros (£181,302)
- b) For public works contracts 5,225,000 Euros (£4,551,413)

61 Delivery notes must be obtained in respect of all goods received and goods must be checked as regards quality at the time of delivery.

62 An annual inventory shall be maintained of all equipment.

PROPERTIES

63 The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry documents of properties owned by the Council.

64 No tangible moveable property shall be sold or otherwise disposed of without the authority of the Council, save where the estimated value of any one item does not exceed £500.

65 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate, if necessary).

66 No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate, if necessary).

67 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually.

INSURANCE

68 The RFO shall effect all insurance and negotiate all claims with the Council's Insurers.

69 The RFO shall ensure all new risks, property, vehicles and activities or events which require to be insured are added to the existing insurance.

70 The RFO shall annually review the insurance and the property and risks covered by it.

71 All appropriate employees and members of the Council shall be included in a suitable fidelity guarantee insurance.

RISK MANAGEMENT

- 72 The RFO shall consider risk management for all activities of the Council and when considering any new activity, shall report the legal and financial liabilities that arise to the Council. An annual risk assessment shall be presented to the Council annually.

REVISION OF FINANCIAL REGULATIONS

- 73 It shall be the duty of the Council to review the financial regulations of the Council from time to time.
- 74 The Council may, by resolution, duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

Approved by Council: 22 October 2019

WIMBORNE MINSTER TOWN COUNCIL

To: Town Council

On: 22 October 2019

TOWN CLERK'S REPORT

CHRISTMAS CLOSURE OF OFFICE

(Item 7)

Members are asked to consider the Christmas closure arrangements for this year.

It is customary to close the office between Christmas and New Year and for office staff to take the appropriate number of days from their annual leave.

If this custom is to continue, for this year it would mean closing the office on Friday 27, Monday 30 and Tuesday 31 December 2019 and re-opening on Thursday 2 January 2020. Staff would take 3 days from their annual leave allocation.

The groundstaff work as normal over the Christmas and New Year holiday.

The Council's decision is requested.

WIMBORNE MINSTER TOWN COUNCIL

To: Town Council

On: 22 October 2019

CHAIRMAN OF THE COUNCIL'S REPORT

SAVE THE CHILDREN PARADE

(Item 8)

On 6 September 2019, the Personnel, Policy and Strategy Committee considered a request from the Save the Children Parade Committee that the Town Council take over the organisation of this important town event.

Whilst the P, P & S Committee could not accede to the request because of the insurance implications, the Committee thought that the Town Council should do all it could to facilitate the event.

I suggested at the meeting that the best option would be for a new independent committee be formed to run the event and was doubtful whether this could be done in time for the Parade to take place this year.

However, I have managed to set up a new committee and with the hard work of a few individuals the Parade will take place in 2019.

There will be a need for the committee to employ First Aiders and Road Marshalls and I would ask the Council if it would be prepared to allocate £500 from the General Fund as a contingency to pay for these if money is not available from other sources.