



FINANCIAL REGULATIONS

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FINANCIAL REGULATIONS

Purpose and Status/Application of the Financial Regulations

1.1 These Financial Regulations set out the framework for managing the Council's financial affairs. They apply to every Officer and Elected Member of the Council and anyone acting on its behalf.

1.2 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.”

Dumfries and Galloway Council has designated the Head of Finance & Procurement as the Section 95 Officer who has responsibility for the administration of the Council's financial affairs including advising the Council on all financial matters and monitoring and reporting on its financial performance and position.

1.3 The Head of Finance & Procurement also has responsibility for the maintenance and continuous review of these Financial Regulations. Any changes to the Financial Regulations, other than those of a minor nature, require to be approved by the Finance, Procurement & Transformation Committee as the body with delegated responsibility for the oversight and monitoring of the Financial Regulations of the Council. These Financial Regulations form part of the Council's wider Corporate Governance Framework as set out in the Scheme of Delegation.

1.4 These Financial Regulations apply to every financial transaction of the Council and failure to observe these Regulations may be regarded as a breach of trust and lead to disciplinary action.

Key Principles

2.1 The financial affairs of the Council should at all times be conducted in accordance with the principles set out in the *CIPFA/SOLACE Guidance; Delivering Good Governance in Local Government (2016)* including: -

- **Integrity:** behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law,
- **Openness:** ensuring transparency in the Council's affairs by providing full, accurate and clear information which leads to effective and timely action and scrutiny,
- **Accountability:** accepting personal responsibility for actions undertaken and demonstrating transparency to allow others to observe and evaluate performance.

Responsibilities

2.2 All officers and Elected Members have a general responsibility to take reasonable action to ensure that the use of financial resources and other assets is legal, is properly authorised and achieves best value. Specific responsibilities in relation to these Financial Regulations include the following: -

Responsibilities of the Section 95 Officer (Head of Finance & Procurement)

2.3 The Head of Finance & Procurement, as the "Proper Officer" in terms of Section 95 of the Local Government (Scotland) Act 1973, shall be the adviser on financial matters to the Council and all its Committees and shall be responsible for the proper administration of the Council's financial affairs.

2.4 The responsibilities of the Head of Finance & Procurement in relation to these regulations include the following: -

- Responsibility for the maintenance and continual review of the Financial Regulations and for issuing appropriate financial codes, procedures, guidance and advice to support these Regulations,
- Monitoring compliance with these Financial Regulations and investigating any breach of these,
- Advising Elected Members and Senior Officers on the Council's financial position and on the key financial controls necessary to secure sound financial management,
- Preparing the revenue budget and capital programme estimates for consideration by Members and reporting on the robustness of the estimates and the adequacy of reserves,
- Reporting to Members on the Council's overall budget performance and recommending corrective action where appropriate,
- Determining the system of accounting control and the form of the accounts and supporting records, in line with The Local Authority Accounts (Scotland) Regulations 1985, and ensuring that accounting controls are observed and the accounts and supporting records are kept up to date,
- Preparing and publishing the Council's Annual Accounts for each financial year in accordance with the statutory timetable and the relevant legislation and Codes of Practice,
- Preparing the Council's Treasury Management Strategy for the consideration and approval of Full Council,
- Supporting the role of Internal Audit in consultation with the Head of Governance & Assurance and the Internal Audit Manager.

2.5 In undertaking this role, the Head of Finance & Procurement will have direct access to the Chief Executive, Full Council, the Audit, Risk & Scrutiny Committee and to External Audit.

Responsibilities of Chief Officers (Chief Executive, Directors & Heads of Service)

2.6 Chief Officers are fully accountable for the financial performance of their Department or Service against the budgets allocated. They may incur revenue expenditure in pursuit of policies agreed by a relevant Committee of the Council only to the extent that budgetary provision has been made.

2.7 The responsibilities of all Chief Officers in relation to these Financial Regulations include the following: -

- Ensuring that members of their staff are aware of, and comply with, the requirements contained in these Financial Regulations,
- To put in place appropriate budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets and the operation of

- a system of appropriate internal controls,
- To consult with the Head of Finance & Procurement on any report to the Council or any of its Committees which affects the Council's finances. Such consultations must be in writing, allowing at least five clear working days for consultation,
- Informing the Chief Executive and the Head of Finance & Procurement of any matter that is liable to materially affect the finances of the Council before any commitment is incurred,
- To seek to secure best value in the provision of services at all times and to secure all income due to the Council whether or not reflected in budgets.

Responsibilities of Elected Members

2.8 In addition to the underlying requirement to adhere to these Financial Regulations and to seek to ensure that the financial affairs of the Council are at all times conducted in accordance with the principles of integrity, openness and accountability, Elected Members also have the following responsibilities in relation to these Financial Regulations: -

- Setting the Council's strategic direction and overseeing arrangements for the securing and demonstration of best value,
- Setting the Council's financial strategy including annual budget setting (for both the revenue budget and capital programmes) and the setting of the Treasury Management Strategy,
- Ensuring proper control is exercised over the Council's expenditure through scrutiny of periodic financial reports comparing expenditure with the level of budgetary provision,
- Holding senior officers to account with regard to discharging all relevant financial responsibilities within their control.

Internal Audit and Risk Management

2.9 The Head of Governance & Assurance and the Internal Audit Manager will arrange for the internal audit function to carry out an examination of the accounting, financial and other operations of the Council through undertaking a risk-based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS). The Head of Governance & Assurance will also oversee the development and implementation of an appropriate risk management policy and associated operational arrangements.

2.10 The Head of Governance & Assurance and the Internal Audit Manager will also make arrangements to provide Members with an annual Corporate Governance Statement which will include confirmation that the Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010) and the Local Authority Accounts (Scotland) Regulations 2014.

Framework for Financial Administration

2.11 As part of the framework for the financial administration of the Council, these Financial Regulations are supported by more detailed Financial Codes and procedures which are also issued by the Head of Finance & Procurement. These codes and procedures, which are listed in the Appendix to these Regulations, have the same status as if they were included in the body of these Regulations. Chief Officers are required to ensure that their staff are familiar with the Financial Codes and procedures relevant to the discharge of their duties.

Within these Financial Regulations, responsibilities attached to the Head of Finance & Procurement and other Chief Officers may be delegated to other officers with authority to act on their behalf. However, the officers named in these Regulations will retain overall responsibility for these activities.

Financial Planning & Management

3.1 The Council delivers a wide range of services to provide essential support to individuals and communities across Dumfries & Galloway. The Council's budgets are the financial expression of the Council's priorities, objectives and plans and effective arrangements for the development and management of the Council's budgets (for both revenue spending and for capital investment) are essential elements of the Council's overall strategic planning arrangements.

Revenue Budget

Revenue Budget Preparation

3.2 The arrangements for the preparation and agreement of the revenue budget will be determined annually by Full Council and will reflect the following: -

- The Head of Finance & Procurement will provide a draft Budget Process & Timetable, covering each of the upcoming 3 financial years, for consideration and agreement through Full Council,
- The Head of Finance & Procurement will develop budget estimates covering both projected funding and expenditure for at least the upcoming 3 financial years for consideration by Members through the Finance, Procurement & Transformation Committee,
- The format of budget proposals to be presented by political groups will require to be agreed by the Head of Finance & Procurement who must be consulted on these proposals before publication in line with arrangements agreed by Full Council,
- Taking into account the Council's agreed Budget Principles, the advice of the Head of Finance & Procurement and the details of budget proposals presented by political groups, Full Council will approve the council tax level and revenue budget for the upcoming financial year (as part of an indicative 3-year revenue budget) by no later than 11 March each year.

3.3 The specific arrangements and responsibilities in relation to budget preparation for each of the Head of Finance & Procurement, Chief Officers and budget holders are set out in Financial Code 1 - *Revenue Budget Management & Monitoring*.

Revenue Budget Management & Monitoring

3.4 Chief Officers are fully accountable for the financial performance of their Department or Service against the budgets allocated. They may incur revenue expenditure in pursuit of policies agreed by a relevant Committee of the Council only to the extent that budgetary provision has been made. Agreement of the Annual Revenue Budget by Full Council, and the resultant service budget cash limits issued by the Head of Finance & Procurement, provide officers with authority to incur expenditure for the agreed purposes as reflected in the annual Service Budget Estimates.

3.5 The Head of Finance & Procurement is accountable for those areas of expenditure that are not delegated to individual services (such as Borrowing Costs, Insurance Charges etc.) and for the overall monitoring and control of the Council's budget.

3.6 Financial Code 1 *Revenue Budget Management & Monitoring* sets out the arrangements for revenue budget monitoring with key elements including the following: -

- To support Chief Officers to undertake their responsibilities in relation to the financial performance of their Department or Service against the budgets allocated, the Head of Finance & Procurement will ensure that an appropriate overall framework for budgetary control is in place and that budget monitoring reports are provided to identified budget holders and to service management teams on a regular (at least quarterly) basis,
- The Head of Finance & Procurement will submit quarterly budget monitoring reports reflecting the overall Council position to the Finance, Procurement and Transformation Committee,
- Directors, in consultation with the Head of Finance & Procurement, will submit quarterly budget monitoring reports for their Service to each of the Council's Service Committees,
- Chief Officers, with the support of the Head of Finance & Procurement, will ensure that those undertaking budget management roles within their services are fully aware of their responsibilities, have undertaken the required training and are able to undertake their responsibilities effectively in a manner that complies with the Council's agreed policies and regulations.

3.7 The specific arrangements and responsibilities in relation to budget monitoring for each of the Head of Finance & Procurement, Chief Officers and budget holders are set out in Financial Code 1 - *Revenue Budget Management & Monitoring*.

Budget Adjustments & Emergency Expenditure

3.8 The Budget Estimates Book, produced by the Head of Finance & Procurement following the annual Budget Realignment process undertaken with Chief Officers and Budget Holders, sets out the budget details which provide the basis for budget management and monitoring. These Budget Estimates should not be subsequently changed/amended other than under specific circumstances as set out in Financial Code 1 - *Revenue Budget Management & Monitoring*.

3.9 That Financial Code also sets out the arrangements under which expenditure outwith approved budget levels may be incurred in cases of emergency (such as severe winter weather) where the urgency of responding to such emergency situations would make it impractical to seek formal Member approval in advance through the relevant Committee.

Budget Flexibility Scheme & Service Reserves

3.10 Where Services or Departments are able to generate underspends against their agreed budgets as a result of either good budget management or delays in the incurring of spending, transfers of unspent amounts to Service reserves can be undertaken, in consultation with the Head of Finance & Procurement and with the approval of the Finance, Procurement & Transformation Committee.

3.11 Details of the operation of the Budget Flexibility Schemes and the supporting parameters are reflected in the Financial Code 1 - *Revenue Budget Management & Monitoring*.

Capital Investment Strategy and Capital Programmes

Development of the Capital Investment Strategy

3.12 Full Council sets the strategic direction for the development of the Council's capital programmes by agreeing high level funding allocations to asset classes and corporate priority projects within the context of a 10 Year Capital Investment Strategy.

3.13 The arrangements for development and agreement of the Council's Capital Investment Strategy will be determined annually by Full Council, alongside the annual revenue budget development process, and will reflect the following: -

- The Head of Finance & Procurement will report to the Council on the level of financial resources estimated to be available to support the capital investment programme in each financial year alongside estimates of ongoing capital commitments based on previous approvals,
- The format of Capital Investment Strategy proposals to be presented by political groups will require to be agreed by the Head of Finance & Procurement who must be consulted on these proposals before publication in line with arrangements agreed by Full Council,
- Capital investment strategy proposals will have regard to the *CIPFA Prudential Code for Capital Finance in Local Authorities* to ensure that capital investment plans are affordable, prudent and sustainable, that capital planning is supported by proper business case development and option appraisal and that associated treasury management decisions are taken in accordance with good professional practice,
- Capital investment strategy proposals will reflect high level funding allocations to corporate priority projects and asset classes for a 3-year rolling Capital Programme within a 10-year capital Investment Strategy,
- Full Council will approve the Capital Programme for the upcoming 3 financial years as part of a 10-year Capital Investment Strategy by no later than 11 March each year,
- Service Committees will then determine the detailed funding allocations within each asset class for the 3-year period based on the corporate level allocations determined by Full Council. It is essential that the relevant Service Committees have a degree of certainty regarding funding allocations for at least a 3-year period to allow medium term investment programmes to be effectively developed and to support projects that span more than one financial year,
- Only expenditure that meets the definition of capital expenditure as set out in Financial Code 2 *Capital Programme Management & Monitoring* may be reflected in the Capital Investment Strategy and capitalised.

Capital Budget Management & Monitoring

3.14 Chief Officers are fully accountable for the financial performance of their department or Service against the capital budgets allocated and are fully accountable for their project managers in terms of monitoring and controlling capital budgets. Agreement of the Capital Investment Strategy by Full Council, and of the Asset Class Capital Programmes by Service Committees, provide officers with authority to incur expenditure for the agreed purpose and up to the agreed budget level (with variations allowed only up to the specified limits referred to below).

3.15 Financial Code 2 - *Capital Programme Management & Monitoring* sets out the arrangements for Capital Investment Strategy monitoring with key elements including the following: -

- The Head of Finance & Procurement will submit quarterly budget monitoring reports

to the Finance, Procurement and Transformation Committee on the performance of the overall Capital Investment Strategy,

- Directors, in consultation with the Head of Finance & Procurement, will submit quarterly budget monitoring reports for each priority project and asset class within their remit to the appropriate Service Committee,
- Reports will indicate projected variances (both in year and over the life of the project) from both the approved budget and the approved timescale, outlining reasons for variations and any remedial action taken. Any project within an overall works programme with a total project spend of over £250K must be reported separately,
- Chief Officers will ensure that those undertaking budget management/project management roles within their services are fully aware of their responsibilities, have undertaken the required training and are able to undertake their responsibilities effectively in a manner that complies with the Council's agreed policies and regulations, including procurement standing orders.

Capital Budget Variations

3.16 Priority Projects – Any variation to Priority Project budgets is subject to the agreement of Finance, Procurement & Transformation Committee. All underspends on Priority Projects must be made available to support other Capital Projects subject to agreement by Finance, Procurement & Transformation Committee.

3.17 Asset Classes – Service committees can vary planned expenditure by up to **10% or £250k** (whichever is greater) of the following year's indicative allocation for that Asset Class (excluding amounts for specific Scottish Government funded projects) on the basis that the following year's allocation will be increased/reduced by that amount. Beyond these levels approval is required by Finance, Procurement & Transformation Committee.

3.18 Service Committees may award some flexibility to Directors to assist with project management. Any delegated authority awarded to the Director should be clearly outlined and detail limits in relation to under/overspends as well as acceleration and slippage.

3.19 In exceptional circumstances, when there is an urgent need for a decision to accelerate/approve additional funding for a project, the Director, with written agreement of the Chair and Vice Chair of the Service Committee and the Head of Finance & Procurement, may approve this so long as it is agreed that they are happy for this to be approved in advance of the relevant committee and it is within the delegated committee limits indicated above. Any decisions taken in this manner must be reported to the next available Service Committee.

3.20 Full details of the current delegated authority levels within each Asset Class can be found in Financial Code 2 - *Capital Programme Management & Monitoring*.

Accounting Framework

3.21 The Head of Finance & Procurement is responsible for the preparation of the Council's Annual Accounts in accordance with proper practices as required by legislation and as set out in the *CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom*.

The completed draft Accounts will be made available to Full Council and then forwarded to the Controller of Audit by no later than 30 June following the end of the relevant financial year. Following completion of the External Audit process, the Council's Audited Accounts

and the External Auditor's Report will be presented to the Audit, Risk & Scrutiny Committee.

3.22 It is the responsibility of the Head of Finance & Procurement to select suitable accounting policies and to ensure that these policies are consistently applied to the Council's accounts. All Chief Officers are responsible for ensuring that the accounting systems, procedures and supporting records within their service areas are maintained in line with the arrangements determined by, or approved in writing by, the Head of Finance & Procurement.

3.23 All Chief Officers are responsible for providing all information and assistance as is necessary to support the completion of the Council's Annual Accounts within the agreed timescales. Details of the information required, the procedures to be followed and the associated timescales will be issued annually by the Head of Finance & Procurement.

External Funding, Grant Applications & Claims

3.24 All Chief Officers are responsible for seeking to ensure that all opportunities for the Council to claim and secure external funding to support approved expenditure are identified and pursued.

3.25 Where external funding requests are being submitted to support expenditure that is not yet formally approved (for example to support a project that would be more likely to be progressed where external funding can be secured), Chief Officers must consult with the Head of Finance & Procurement in advance of making a submission and also ensure that the submission does not commit the Council to incurring expenditure in advance of securing formal approval through the relevant Council Committee.

3.26 All Chief Officers should maintain a register of grants receivable and ensure that grant claims are submitted timeously to the awarding body.

Grants to External Organisations

3.27 All Chief Officers are responsible for ensuring that grant awards made by the Council are consistent with the Council's priorities, are approved by the appropriate Committee, have been consulted with Legal Services in relation to appropriate conditions and, where appropriate, adhere to the conditions set out by any external funding body (where the Council is distributing funding made available by another body, including the Scottish Government).

3.28 All grant awards should be subject to annual consideration by the relevant Committee unless otherwise formally approved by that Committee.

3.29 All Chief Officers should maintain a register of all grants made to external organisations and ensure that appropriate monitoring arrangements are in place to ensure that funding is used in line with the agreed purpose.

Partnerships & Joint Arrangements

3.30 Partnerships can play a role in the achievement of the Council's objectives and in the delivery of the Council's services. In all instances, formal Committee approval should be in place before the Council enters into any partnership arrangements with potential financial implications.

3.31 Where the establishment of formal partnership arrangements are being considered, the relevant Chief Officer must consult with both the Head of Governance & Assurance and the

Head of Finance & Procurement before committing the Council to such arrangements. Where such arrangements are established, the terms of the Partnership Agreement must be approved by the Head of Governance & Assurance and the relevant Chief Officer and the Head of Finance & Procurement must ensure that appropriate accounting arrangements are in place and that these provide effective financial control.

Control of Resources and Risk Management

Internal Controls for Financial Transactions

4.1 Internal controls are the safeguards put in place to ensure that the Council's business is conducted in an orderly and efficient manner, its policies are adhered to, its assets protected and its records complete and accurate.

4.2 Internal controls will vary from one part of the Council to another according to the type of activity, the size and volume of transactions and geographical distribution. However, in all situations, three types of internal control are to apply as a minimum: -

- Separation of Duties,
- Internal Check,
- Management Review.

4.3 All Chief Officers are required to ensure these principles are incorporated in the working practices of their Department and Services.

Authorisation of Financial Transactions

4.4 All financial transactions are required to be appropriately authorised before being executed. The purpose of authorisation is for accountability rather than for accuracy, which should be addressed through internal check prior to authorisation.

4.5 In authorising financial transactions an officer is accepting the burden of responsibility for these transactions and is confirming that, through their own enquiries or as a result of the work of their staff, they are satisfied that the relevant transactions should be executed.

4.6 The relevant value limits applicable to authorising officers must be recorded on the Council's Budget Management Structure Chart agreed by the Finance, Procurement & Transformation Committee and maintained by the Head of Finance & Procurement. Chief Officers are responsible for informing the Head of Finance & Procurement of any required revisions to this Structure Chart and such revisions will require the approval of the Head of Finance & Procurement.

4.7 Financial Code 3 – *Internal Control & Authorisation* provides further guidance on arrangements, requirements and responsibilities in relation to the control and authorisation of financial transactions.

Internal Audit

4.8 *The Local Authority Accounts (Scotland) Regulations 2014* require all Scottish Local Authorities to operate a professional and objective internal auditing service which must be delivered in accordance with the Public Sector Internal Audit Standards (PSIAS) and encompass the mandatory elements of the *Institute of Internal Auditors International Professional Practices Framework*. PSIAS defines Internal Audit as “an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

4.9 The purpose, authority and responsibilities of Internal Audit are set out in an Internal Audit Charter which gives effect to PSIAS and is approved annually by the Council’s Audit, Risk & Scrutiny Committee. The Charter ensures Internal Audit’s independence and confirms Internal Audit’s right of access to all information and assets relevant to its work. It also sets out Internal Audit’s responsibilities and reporting relationships.

4.10 The Council’s Internal Audit Manager is responsible for managing and delivering an independent internal audit service. This responsibility is discharged through the direct application of the Internal Audit staffing resources provided for this purpose, in accordance with required professional standards. The Internal Audit Manager is also responsible for providing annually an opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and internal control, based on evidence obtained through objective assessments. The Internal Audit Manager has an unrestricted right of access to the Council’s Chief Executive, the Chair and Members of the Audit, Risk and Scrutiny Committee, the S95 Officer (Head of Finance & Procurement) and the Monitoring Officer (Head of Governance & Assurance). The Internal Audit Manager is authorised to bring to their attention and discuss with them any audit matter at his discretion.

4.11 All Chief Officers are responsible for establishing, operating, and maintaining systems of internal control, risk management and governance which direct resources to achieving the Council’s responsibilities, priorities and commitments and provide stewardship of public funds and accountability for the use of resources. Senior management are also responsible for contributing to the risk-based Internal Audit plan; facilitating the successful operation of Internal Audit within their services; receiving and considering the findings from Internal Audit activity and follow-up work; and ensuring a response to Internal Audit reports is provided within the agreed timescale.

4.12 The Audit, Risk and Scrutiny Committee has oversight of the operation of the Internal Audit service and its outputs. The Committee’s responsibility is to establish the Internal Audit service, ensure its adequacy and effectiveness (including in relation to meeting professional standards), review its performance and hold management to account on their response to Internal Audit findings and recommendations.

Prevention of Fraud & Corruption

4.13 The Council is fully committed to an effective anti-fraud and anti-corruption approach in all of its activities and will address robustly, with zero tolerance, any instances of fraud and corruption found in its business dealings.

4.14 All Council employees and Elected Members are required to be honest, to comply with financial controls, to report any concerns about financial processes or transactions, and to

submit themselves to scrutiny when required. Chief Officers and Elected Members will lead by example in ensuring adherence to legal requirements, rules, procedures and practices and in fostering a strong anti-fraud and anti-corruption culture.

4.15 The Council has a *Corporate Anti-Fraud and Anti-Corruption Policy Statement and Strategy* which has been approved by Full Council and sets out in detail the arrangements for:-

- Encouraging Elected Members, employees and the public to act with honesty and with integrity, promoting an anti-fraud and anti-corruption culture,
- Creating and promoting a robust 'anti-fraud' culture across the organisation which highlights the Council's zero tolerance of fraud and corruption,
- Deterring and preventing fraud and corruption,
- Detecting and investigating fraud and corruption; and,
- Recovering losses and instigating and assisting criminal prosecutions and proceedings.

4.16 All Chief Officers are responsible for implementing policies, procedures and controls to prevent and detect fraud, theft and corruption in their Services in accordance with the *Corporate Anti-Fraud and Anti-Corruption Policy Statement and Strategy*. Oversight of the operation of the *Corporate Anti-Fraud and Anti-Corruption Policy Statement and Strategy* is undertaken by the Council's Integrity Group chaired by the Head of Governance & Assurance with the support of the Head of Finance & Procurement

4.17 The Head of Governance and Assurance, with the assistance of the Business Intelligence Manager and Internal Audit Manager, is also responsible for planning and co-ordinating the Council's participation in the National Fraud Initiative which is a comprehensive data matching exercise between public sector bodies to highlight potential frauds in a number of areas.

Personal Interests of Staff, Gifts & Hospitality

Personal Interests

4.18 The over-riding duty of all Council officers and Elected Members is to serve the Council and the whole community. An officer or Elected Member should not allow the impression to be created that they may be using their position to promote a personal interest rather than the general public interest. Personal interests arise from the private or business affairs of an officer, their family or friends and from membership of, or association with, other parties.

4.19 Where a significant personal interest arises, an officer or Elected Member of the Council should not contribute to, or participate in, any discussion or decision about the matter. They should declare themselves ineligible and withdraw from involvement completely.

Gifts, Hospitality and Dealings with Suppliers

4.20 Officers and Elected Members should treat with caution any offer or gift, favour or hospitality that is made to them personally. The individual or organisation making an offer may hope to gain preferential treatment in any dealings they have with the Council. Even if this is not their intention, acceptance could lead others to believe this was a factor.

4.21 As a general rule Council officers and Elected Members are not permitted to accept personal gifts. Excluded from this are small value marketing items which can be used in the office, such as calendars and pens.

4.22 All Chief Officers are required to ensure that all offers of gifts or hospitality received, and

whether these offers were accepted or not, are formally recorded within a consolidated Departmental Register.

4.23 In cases of doubt about the propriety of accepting gifts or hospitality, authority should be sought from the relevant Director or the Chief Executive in advance and details again recorded in the Register. Officers or Elected Members should immediately report to their Director or the Chief Executive any offers or suggestions which could appear to be improper or to have been made to obtain an advantage.

4.24 Officers and Elected Members should not purchase goods from, or use the services of, a supplier on preferential terms for private purposes if these terms are given either directly or indirectly because of the contractual or other business relationship, potential or actual, between the supplier and the Council.

Risk Management

4.25 Risks are significant uncertainties that may affect the Council's ability to achieve its strategic and operational objectives. A risk can be an opportunity or a threat. Risk management is the planned and systematic process by which key risks are identified, evaluated and managed so as to maximise benefits and minimise potentially negative consequences to the Council and its partners.

4.26 The Council's Risk Management Framework is set out in the *Risk Management Policy Statement and the Risk Management Strategy* which set out how the Council manages risks by maximising opportunities and minimising threats; the actions taken to manage the threats and take advantage of the opportunities; and the work being undertaken to ensure the Council makes appropriate decisions which take into account the balance of risk.

4.27 All Chief Officers are responsible for providing corporate leadership of risk management throughout the Council and for the effective leadership and management of risk, including internal controls and risk mitigation arrangements, in their operational area to meet their objectives/outcomes in line with the Council's Risk Management Framework.

4.28 Corporate support on risk management is provided by the Head of Governance & Assurance and by the Internal Audit team who cover policy maintenance, training, advice, and co-ordination of the strategic risk register. The practice of risk management is mainly undertaken by Services who have a reporting line on risks to their applicable Service Committee. Responsibility for management and oversight of the corporate strategic risk register process is undertaken by the Council's Management Team.

4.29 The Audit, Risk & Scrutiny Committee has responsibility for considering the operation of the Council's risk management practices and assuring their adequacy. To support this, the Head of Governance & Assurance will annually provide the Committee with a report setting out the Council's risk management arrangements and recent developments, including on risk appetite, development activity, reporting and review processes, and any agreed changes. Internal Audit will also review the effectiveness 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.

Insurance

4.30 One of the tools used in managing risk is the arranging of suitable insurance cover. This assists in lessening the likelihood of financial burden on the Council in the event of loss and helps in the management of expenditure.

4.31 It is the responsibility of the Head of Finance & Procurement to arrange all insurance cover and manage all claims with the approved insurers following consultation with other officers where necessary. The Head of Finance & Procurement may appoint Insurance Brokers, Advisers, Insurers/Underwriters and Claims Handlers to advise on all aspects of insurance in accordance with the requirements of Procurement Standing Orders.

4.32 Directors must give prompt notification to the Head of Finance & Procurement of all new risks, properties, equipment or other vehicles which require to be insured and of any alterations affecting existing insurances.

4.33 Directors will immediately notify the Head of Finance & Procurement in writing of any loss, liability or damage or any event likely to lead to a claim and inform the police if they consider that criminal activity may have taken place.

4.34 The Head of Finance & Procurement will annually, or at such other period as may be considered necessary, review all insurances with the Council's appointed Insurance Broker following consultation with other Chief Officers as appropriate.

4.35 The Head of Finance & Procurement will oversee the operation of an Insurance Fund. The operation of the Insurance Fund enables the Council to determine the most cost-effective method of managing and financing risk using a combination of self-insurance and the external purchase of insurance. The appropriate level of excess for each policy will be determined by the Head of Finance & Procurement taking into account appropriate advice and the balance between excess levels and the cost of insurance premiums.

Custody & Security of Assets, Stocks & Stores

4.36 All Chief Officers are responsible for the security, management and continuous review of the utilisation of all assets in or under their control or custody.

4.37 The Head of Finance & Procurement is responsible for maintaining the Corporate Asset Register of all fixed assets in the Council's ownership (including those held by Common Good Funds). All Chief Officers will provide the information required to maintain the Corporate Asset Register and, in particular, the following individual supporting asset registers will be maintained by the relevant officers: -

- Land & Buildings – Head of Economy & Development,
- Vehicles & Plant – Head of Roads & infrastructure,
- Computer Equipment – Head of People & Transformation,
- Infrastructure – Head of Roads & infrastructure.

4.38 All title deeds of property which are in the name of the Council, or its nominees, will be held in the custody of the Head of Governance & Assurance.

4.39 All acquisitions and disposals of fixed assets must be in accordance with the Council's agreed Acquisitions & Disposals Policy and Procurement Standing Orders and be authorised by the Head of Economy & Development. Sales and Leases of Council property at less than best consideration must have Committee approval.

4.40 All Chief Officers are responsible for maintaining inventories of all moveable assets under their control or custody which record an adequate description of furniture, fittings and equipment, computer hardware and software, vehicles, plant and machinery which belong to the Council.

4.41 Council property (including furniture, fittings and equipment, computer hardware and software, vehicles, plant and machinery) must not be removed from council premises other than for council purposes except in accordance with council policy. No property or equipment may be used other than for Council purposes except with the specific approval of the relevant Director.

4.42 Maximum limits for cash holdings will be agreed with the Head of Finance & Procurement taking into account the relevant insurance limits. These limits may not be exceeded without the written agreement of the Head of Finance & Procurement.

Leased Assets

4.43 Under accounting standards all Council Leasing arrangements are required to be held on a Corporate Lease Register which is held and maintained by the Head of Finance & Procurement (*note that this Register is currently being established and will be in place by 31 March 2024 in line with accounting requirements*). This register includes leases ranging from short term leased printers to long term property leases. No leasing arrangements should be entered into without the approval of the Head of Finance and Procurement. Services are required to consult with the Head of Finance & Procurement at the earliest opportunity where leasing of assets is being considered to enable an assessment of the most economically advantageous option (i.e. buying v leasing) to be evaluated prior to any contract being awarded.

Stocks & Stores

4.44 All Chief Officers are responsible for determining the location and level of stockholdings necessary to meet operational needs and must ensure that stocks held are only sufficient to meet reasonable consumption levels. Stocks must be held in safe custody at all times to prevent loss through theft or damage. Records should be kept of all additions, issues, returns and disposals for each item of stock such that its balance can be identified at any time.

4.45 As a minimum a stock check involving a physical count of all stock should be carried out (or supervised) annually by a person independent of store operations. This should take place on or as close as possible to the last day of the financial year (31 March) for accounting and audit purposes. Stock shortages and write-offs in excess of £500 per store per annum should be formally notified to the Head of Finance & Procurement.

4.46 All Chief Officers must supply the Head of Finance & Procurement with a certificate each year dated 31 March giving the financial value of each stockholding for accounting purposes, as set out in the *Annual Accounts Closedown Procedures* issued annually by the Head of Finance & Procurement.

Treasury Management

4.47 Treasury management is defined as “the management of the Council’s 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 optimum performance consistent with those risks.”

4.48 The Council’s Annual Treasury Management Strategy will be agreed each year by Full Council in advance of the financial year to which it relates. The Head of Finance & Procurement is responsible for providing appropriate advice and reports to Full Council to facilitate this process.

4.49 The Council’s Annual Treasury Management Strategy and Annual Investment Strategy will include the following areas: -

- Treasury limits in force which will limit the treasury risk and activities of the Council,
- The current treasury position,
- Capital borrowings required,
- Prudential and Treasury Indicators,
- Prospects for interest rates,
- Capital borrowing and portfolio strategy,
- Borrowing in advance of need,
- Debt rescheduling opportunities,
- Investments strategy,
- Creditworthiness policy,
- Policy on use of external service providers.

4.50 The *Cipfa Code of Practice on Treasury Management* supports the delegation by the Council of the role of scrutiny of the Treasury Management Strategy and policies to a specific named body. For this Council the delegated body is the Finance, Procurement & Transformation Committee. To support this role, the Head of Finance & Procurement will provide that Committee with, as a minimum: -

- A mid-year treasury management report to update members on the progress of treasury management activities and the capital investment position, amending prudential indicators as necessary and advising on any areas of the strategy or policies that require revision,
- An annual treasury report providing details of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the agreed strategy.

4.51 The Head of Finance & Procurement is responsible for the execution and administration of treasury management decisions and the monitoring of the treasury management strategy and will do so in accordance with the Council’s agreed Treasury Management Strategy and Treasury Management Practices (TMPs) and with CIPFA’s *Standard of Professional Practice on Treasury Management*.

4.52 The key responsibilities of the Head of Finance & Procurement in relation to Treasury Management include: -

- Review the treasury management policy and procedures and make recommendations to Full Council and the Finance, Procurement & Transformation Committee,
- Submit regular treasury management monitoring reports,

- Receive and review management information reports,
- Review the performance of the treasury management function,
- Ensure the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function,
- Arrange the appointment of external service providers in line with approved delegations and procurement requirements,
- Preparation of a capital strategy to include capital expenditure, capital financing, non-financial investments and treasury management, with a long term timeframe,
- Ensure that the capital strategy is prudent, sustainable and affordable in the long term and provides value for money.

Investment Policy and Principles

4.53 The Council's investment policy has regard to the Scottish Government's Investment (Scotland) Regulations 2010, (and accompanying Finance Circular 5/2010), and the CIPFA *Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes 2017*, ("the CIPFA TM Code").

4.54 The Council's investment priorities will be security first, liquidity second and then return. In accordance with guidance from the Scottish Government and CIPFA, and in order to minimise the risk to investments, the Council applies minimum acceptable credit criteria in order to generate a list of highly creditworthy counterparties which also enables diversification and thus avoidance of concentration risk.

Banking

4.55 The Head of Finance & Procurement is responsible for ensuring that arrangements are made for the provision of banking services to the Council. The Head of Finance & Procurement will make arrangements regarding the opening, closing and operation of all Council bank accounts and the use of banking services in the name of the Council. Bank accounts will be in the name, or incorporate the name, of Dumfries and Galloway Council and not in the name of any officer or designation.

4.56 All accounts in the name of the Council are considered as a "pool" and interest is awarded on overall pool balances. At no point should the pool of Council accounts be overdrawn and balances should comply with the annual facility letter provided by the bank.

4.57 All cheques on the Council's main bank accounts will be ordered only on the authority of the Head of Finance & Procurement or other officer specifically authorised by them, who will make proper arrangements for their safe custody.

4.58 All monies received will be paid into the Council's Bank Account daily, or at such other intervals as arranged with the Head of Finance & Procurement, in line with the processes outlined in Financial Code 4 – *Income Collection*.

4.59 The Head of Finance & Procurement will make all necessary arrangements through the use of online banking to enable efficient operation of all bank accounts. All electronic payments will incorporate a two-stage process for set up and authorisation. All payments must be authorised by at least one of the authorised signatories on the Bank Signatory List held by the Head of Finance & Procurement.

Systems & Procedures

Income

5.1 All Chief Officers have an overall responsibility to identify and secure all income due to the Council. The Head of Finance & Procurement is responsible for establishing effective arrangements for the identification, collection and recording of income due to the Council and for issuing guidance notes to support these arrangements. Where possible, payment for goods or services should be sought in advance of the goods or services being provided as this is the most administratively efficient approach and also reduces the risk of non-payment.

5.2 The Council's policies in relation to setting Fees & Charges are currently subject to review taking into account the findings of the Transformation Programme Review of Income Generation and subsequent considerations in relation to the impact of the Covid-19 Pandemic and the Cost of Living. It is intended that this section will be updated/replaced following the further review of fees and charges being undertaken as part of the Change & Savings programme.

5.3 Arrangements for the collection, banking and recording of income must adhere to the requirements set out in the Financial Code 4 – *Income Collection* issued by the Head of Finance & Procurement. All Chief Officers are responsible for ensuring that all relevant staff are aware of and apply the arrangements set out in this guidance.

5.4 Where payment in advance of the provision of the relevant goods & services is not possible, then the resultant invoice(s)/account(s) must be raised and issued to the relevant party at the earliest opportunity in line with the arrangements set out in Financial Code 4 – *Income Collection*.

5.5 Departments are required to monitor and review their outstanding accounts on a regular basis. Accounts which remain outstanding after 49 days require to be considered for further recovery action by service management in line with the arrangements also set out in Financial Code 4 – *Income Collection*.

5.6 Under the Council's Scheme of Delegation to Officers, amounts up to a value of £10,000 can be written off by the relevant Service Director with a summary of these write-offs presented to the Finance, Procurement & Transformation Committee twice-yearly. All write-offs relating to the same debtor in excess of £10,000 require the co-authorisation of the Head of Finance & Procurement with details of these accounts presented individually to the Finance, Procurement & Transformation Committee for scrutiny.

5.7 The Financial Code 4 – *Income Collection* details the circumstances under which debt write offs are permitted and sets out the procedures for such write offs. In all cases, where subsequently the possibility arises of recovering sums previously written-off, arrangements will be made to re-instate the debt.

5.8 To assist with the Council's cash flow and treasury management operations, staff should advise the Council's Treasury Team (Treasury@dumgal.gov.uk) in advance of the anticipated receipt of amounts greater than £250,000.

Salaries, Wages & Pension Payments

5.9 The Head of Finance & Procurement is responsible for the payment of salaries, wages,

pensions, compensation, expenses, subsistence claims and other emoluments to all employees, former employees, or Elected Members of the Council. While the Head of Finance & Procurement has the overall responsibility for the operation of the system of payments, all Chief Officers are required to have systems in place to ensure that timeous and accurate information is provided to the Head of Finance & Procurement to support this.

5.10 In particular, Chief Officers must notify the Head of Finance & Procurement, in the prescribed format and in accordance with approved timetables, of all matters affecting payments including: -

- Appointments, resignations, dismissals, suspensions, secondments and transfers,
- absences from duty for sickness or other reasons such as annual/flexi leave via My Details/iTrent,
- changes in remuneration, other than normal increments, pay awards and agreements of general application,
- information necessary to maintain records of service for pensions, Income Tax and National Insurance purposes,
- any cases where an employee has been paid incorrectly.

5.11 It is also the responsibility of all Chief Officers to ensure that appointments of employees are made in accordance with approved Organisational Development & Human Resources Policies and the approved budgets, staff establishments, grades and rates of pay operated by Council.

5.12 Financial Code 5 - *Payments to Employees, Pensioners & Elected Members* provides further details of the arrangements for these payments.

Allowances & Expenses

5.13 The Head of Finance & Procurement is responsible for making arrangements for the administration, regulation and payment of claims for expenses and allowances to employees of the Council. All claims by employees for expenses and allowances must be submitted electronically online using either the MyDetails system or the MITTS system (where staff do not have direct access to a Council networked device).

5.14 Staff travel within and away from Dumfries & Galloway must only be for the business objectives of the Council and in fulfilment of its obligations. Alternatives to travel, including the use of technology, should be considered and, where travel is deemed necessary, the most efficient and cost-effective approach must be taken.

5.15 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses must be submitted no later than 2 months after the end of the month during which expenses are incurred. Claims applicable to a financial year must be submitted by 30 April of the following financial year. Anything beyond these timescales will only be paid by exception and with the specific authorisation of the relevant Director and the Head of Finance & Procurement.

5.16 Claims for travel, subsistence and expenses must be submitted with appropriate receipts. The person submitting the claim must ensure all receipts are scanned and e-mailed to the ***Travel & Expenses Receipts*** mailbox.

5.17 Certification of claims must be provided by, or on behalf of, the relevant Chief Officer and such certification will be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

Payments to Elected Members of the Council

5.18 Payment of Members' salaries and expenses will be in accordance with the *Scheme for Administration of Member Remuneration, Expenses and Travelling* adopted by the Council. Payment of salaries and expenses will be made on a monthly basis by the Head of Finance & Procurement.

5.19 The Head of Governance & Assurance is responsible for advising the Head of Finance & Procurement of all changes to Salaries & 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.

5.20 All claims by Members for expenses must be submitted electronically online using the MyDetails system. Claims for travel, subsistence and expenses must be submitted with appropriate receipts. These will be provided by the Member to the agreed Area Committee staff who will scan the receipts and mail these to the Travel & Expenses Receipts mailbox.

Procurement

5.21 All procurement activity must be conducted fairly, openly, and transparently.

5.22 All Chief Officers are required to ensure that the procurement of all goods, services and works on behalf of the Council complies with all relevant regulations, including the Procurement (Scotland) Regulations 2015, the Procurement (Scotland) Regulations 2016 and Procurement Reform Act 2014, as may be amended from time to time, and the following Council policies: -

- Procurement Standing Orders,
- Sustainable Procurement Policy,
- Contract and Supplier Management Policy,
- Procurement Strategy.

5.23 The procurement policies and supporting documentation are maintained on the Council's Procurement SharePoint site and the suite of guidance documents and templates provided on the Procurement SharePoint site provides a source of guidance allowing officers to procure in accordance with all related governance required for any procurement.

5.24 The Council's Corporate Procurement Service is responsible for developing and maintaining the Council's procurement related policies and the Procurement SharePoint site, provision of advice and will undertake procurement activity at the delegated levels.

5.25 The Corporate Procurement Service are also responsible for the maintenance of the Council's contract register and all contracts awarded or varied must be notified to the procurement service to ensure that the contract register is accurately maintained.

Orders for Goods, Works & Services

5.26 Financial Code 6 – *Ordering & Paying for Goods, Works & Services* provides detailed guidance on the arrangements for the ordering of goods, works and services and for their subsequent payment.

5.27 The Council has a *No PO No Pay Policy* which means that an official Purchase Order must be raised through the Council's electronic ordering systems where goods, services or

works are being procured, prior to delivery and prior to the invoice being submitted. Similarly, suppliers and contractors must quote a valid Purchase Order number on invoices for goods, services or works in order to receive payment. Purchase Orders for all works, goods and services must be raised at the time the supply/service/works are requested, and prior to the goods being received.

5.28 The need for purchase orders does not apply to payments made through the use of approved Purchase Cards (the operation of which is covered through separate guidance). Other exceptions to the need for purchase orders to be placed in advance of works, goods and services require to be specifically approved by the Head of Finance & Procurement.

5.29 All Chief Officers are responsible for orders arising from their services. Orders are only to be issued for supplies, services or works which have been procured in compliance with the Council's Procurement Standing Orders and within the approved budgets available. Orders for supplies and services subject to contract must be placed with the contracted supplier.

5.30 For works contracts, orders shall only be placed subject to the outcome of a procurement exercise and with contractors that hold a relevant construction industry registration certificate.

5.31 All contracts and orders must adhere to council payment terms which are within 30 days from receipt of a valid invoice. Any exceptions to the Council's payment terms must be approved in advance by the Head of Finance & Procurement.

5.32 Individual officers with authority to place orders on behalf of the Council, and the relevant value limits applicable to these officers, must be recorded on the Council's Budget Management Structure Chart agreed by the Finance, Procurement & Transformation Committee and maintained by the Head of Finance & Procurement (this Budget Management Structure Chart is appended to Financial Code 1). Chief Officers are responsible for informing the Head of Finance & Procurement of any required revisions to this Structure Chart and such revisions will require the approval of the Head of Finance & Procurement.

Payment Procedures

5.33 The Head of Finance & Procurement is responsible for the arrangements for making payment of all authorised invoices and monies due by the Council.

5.34 The normal method of payment of monies due by the Council will be by Bankers Automated Clearing System (BACS) or cheque. It is Council practice to try to reduce the number of cheques produced in favour of making payment by BACS where possible. The Head of Finance & Procurement 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.

5.35 Chief Officers are responsible for establishing arrangements to ensure that appropriate staff examine, check, verify and certify all orders, receipts, invoices and payment vouchers in accordance with the instructions issued by the Head of Finance & Procurement.

5.36 Invoices will only be released for payment when all system-based electronic authorisations or equivalent have been completed. Where a purchase order has been raised on the Integra RSS system or Mosaic system, the approval of this purchase order can be taken as authority for paying the resultant invoice, subject to the goods/services/works having

been receipted on the system, and the resultant invoice matching the purchase order in terms of value and quantity of goods.

5.37 Payment should not be made in advance of the delivery of works, goods or services other than with the specific prior approval of the Head of Finance & Procurement.

5.38 The Head of Finance & Procurement will also provide an Imprest Account for such officers of the Council who may need them for the purposes of defraying petty cash and other small expenses. Such accounts shall be maintained on an Imprest system in a manner prescribed by the Head of Finance & Procurement.

5.39 Further details on the above arrangements are reflected in Financial Code 6 – *Ordering & Paying for Goods, Works & Services*.

Taxation & VAT Management

5.40 The Head of Finance & Procurement is responsible for the taxation procedures of the Council ensuring, where possible, that tax liabilities and obligations are properly reported and accounted for. The Head of Finance & Procurement may appoint professional advisers in support of these responsibilities. All Chief Officers are responsible for ensuring that their relevant staff are aware of the relevant taxation advice and comply with the associated guidance.

5.41 In particular, the Head of Finance & Procurement has responsibility for issuing guidance on Value Added Tax (VAT) legislation and guidance relevant to the Council's activities. All Chief Officers are responsible for identifying and accounting properly for both their input and output value added tax in line with this guidance. Chief Officers and their staff should seek the advice of the Head of Finance & Procurement in relation to any uncertainties regarding VAT treatment and where transactions of a new or unusual nature are anticipated.

5.42 *Financial Code 7 – Tax & VAT Management* provides further detailed guidance on these arrangements.

Supporting Financial Codes

- Financial Code 1 - Revenue Budget Preparation, Management & Monitoring
- Financial Code 2 - Capital Programme Preparation & Monitoring
- Financial Code 3 - Internal Control & Authorisation
- Financial Code 4 - Income Collection
- Financial Code 5 - Payments to Employees, Pensioners & Elected Members
- Financial Code 6 - Ordering & Paying for Goods, Works & Services
- Financial Code 7 - Tax & VAT Management

Supporting (separately agreed) Strategies

- Corporate Anti-Fraud & Anti-Corruption Statement & Strategy
- Risk Management Policy Statement and the Risk Management Strategy
- Treasury Management Strategy (agreed annually by Full Council)
- Treasury Management Practices
- Procurement Strategy (agreed annually by Full Council)
- Procurement Standing Orders
- Sustainable Procurement Policy
- Contract & Supplier Management Policy