

15. EXECUTION AND SEALING OF LEGAL DEEDS

See also *Standing Order standing order 5(a)(iv)* above.

- a) A legal deed shall not be executed on behalf of the **Council council** unless the same has been authorised by resolution.
- b) In accordance with a resolution made under **Standing Order standing order 14(a)** above, any two Members of the **Council council** may sign, on behalf of the **Council council**, any deed required by law and the Proper Officer shall witness their signatures.
- c) **Authentication of Documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the **Council council** it shall be signed by the Proper Officer or a person authorised by him unless any enactment otherwise requires or authorises, or the **Council council** give the necessary authority to another officer for the purpose of such proceedings.

16. COMMITTEES

See also *Standing Order standing order 1* above.

- a) The **Council council** may, at its Annual Meeting, appoint Committees and may at any other time appoint such Committees as may be necessary, and:
 - i) Shall determine their terms of reference.
 - ii) May permit Committees to determine the date of their meetings.
 - iii) Shall appoint and determine the term of office of **Council council** or non-**Council council** members of such a Committee (unless the appointment of non-**Council council** is prohibited by law) so as to hold office no later than the next Annual Meeting.
 - iv) May appoint substitute **Council council** to a Committee whose role is to replace ordinary **Council council** at a meeting of a Committee if ordinary **Council council** of the committee have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend.
 - v) An ordinary Member of a Committee who has been substituted at a meeting by a substitute Member (in accordance with **Standing Order standing order 16(a)(iv)** above shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.
 - vi) May in accordance with **Standing Order standing orders**, dissolve a Committee at any time.
 - vii) Except where authorised by statute or ordered by the **Council council**, in the case of a Committee, the quorum of a Committee shall be one-half of its Members.

17. SUB-COMMITTEES

See also *Standing Order standing order 1* above.

- a) Unless there is a **Council council** resolution to the contrary, every Committee may appoint a Sub-Committee whose terms of reference and Members shall be determined by resolution of the Committee.

- b) i) No act of the Sub-Committee shall have effect until approved by the Committee or the **Council council** as appropriate.
- ii) All Sub-Committees will report to the Parent Committee on a regular basis.
- c) The Chairman and Vice-Chairman of the Committee shall be Members of every Sub-Committee appointed unless they signify that they do not wish to serve.

18. EXTRAORDINARY MEETINGS

See also *Standing Order, standing order 1 above*.

- a) The Chairman of the **Council council** may convene an extraordinary meeting of the **Council council** at any time.
- b) If the Chairman of the **Council council** does not or refuses to call an extraordinary meeting of the **Council council** within **7-seven** days of having been requested to do so by two **Council council**ors, those two **Council council**ors may convene an extraordinary meeting of the **Council council**. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two **Council council**ors.
- c) The Chairman of a Committee (or a Sub-Committee) may convene an extraordinary meeting of the Committee or Sub-Committee at any time.
- d) If the Chairman of a Committee (or a Sub-Committee) does not or refuses to call an extraordinary meeting within **7-seven** days of having been requested to do so by two **Council council**ors, those two **Council council**ors may convene an extraordinary meeting of a Committee (or Sub-Committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two **Council council**ors.

19. ADVISORY COMMITTEES

See also Standing Order standing order 1 above.

- a) *The Council/council may appoint Advisory Committees comprised of a number of Council councilllors and non-Council councilllors.*
- b) *Advisory Committee and any Sub-Committees may consist wholly of persons who are non-Council councilllors.*
- c) *The name of an Advisory Committee, the number of Members and the bodies to be invited to nominate Members shall be specified.*
- d) *The Proper Officer shall inform the Members of each Advisory Committee of the terms of reference of the Committees.*
- e) *An Advisory Committee may make recommendations and give notice thereof to the Council/council but its decisions and recommendations shall not be mandatory.*

20. RESPONSIBLE FINANCIAL OFFICER

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

21. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) *"Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).*
- b) *All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.*
- c) *The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
i) the council's receipts and payments for each quarter;
ii) the council's aggregate receipts and payments for the year to date;
iii) the balances held at the end of the quarter being reported
and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.*
- d) *As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
i) each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
ii) to the full council the accounting statements for the year in the form of Section 2 of the annual return, as required by proper practices, for consideration and approval.*
- e) *The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the governance statement, shall be presented to council for consideration and formal approval before 30 June.*

20. ACCOUNTS AND FINANCIAL STATEMENT

**Burntwood Town Council
Standing Orders**

- a) ~~The Town Clerk shall be the Responsible Financial Officer (RFO) for securing the proper administration of the Council's financial affairs and arrangements.~~
- b) ~~All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be review at least annually.~~
- c) ~~The RFO shall supply to each Council/councillor at every meeting of the Town Council/council a statement summarising the Council's receipts and payments. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments or income and expenditure) for a year to 31 March shall be presented to each Council/councillor before the end of the following month of May. The Statement of Accounts to the Council (which is subject to external audit) shall be presented to Council for formal approval before 30 June.~~

24.22. ESTIMATES/PRECEPTS

- a) **The Council/council shall approve written estimates for the coming financial year at its meeting before the end of January.**
- b) Any Committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 31 October.

24.23. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing ~~Council/councillors~~ or the Members of a Committee or Sub-Committee directly or indirectly, for appointment to or by the ~~Council/council~~ shall disqualify the candidate from such appointment. The Proper Officer shall disclose the requirements of this ~~Standing Order/standing order~~ to every candidate.
- b) A ~~Council/councillor~~ or a Member of a Committee or Sub-Committee shall not solicit a person for appointment to or by the ~~Council/council~~ or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the ~~Council/council~~ with an application for appointment.
- c) This ~~Standing Order/standing order~~ shall apply to tenders as if the person making the tender were a candidate for appointment.

24.24. INSPECTION OF DOCUMENTS

- a) Subject to ~~Standing Order/standing orders~~ to the contrary a ~~Council/councillor~~ may, for the purposes of her/his official duties (but not otherwise) inspect any documents in the possession of the ~~Council/council~~ or a Committee or a Sub-Committee and request a copy for the same purpose.
- b) The Minutes of meetings of the ~~Council/council~~, its Committees or Sub-Committees shall be available for inspection by ~~Council/councillors~~.

24.25. UNAUTHORISED ACTIVITIES

Unless authorised by a resolution, no individual ~~Council/councillor~~ shall in the name or on behalf of the ~~Council/council~~, a Committee or a Sub-Committee:

- a) Inspect or enter any land and/or premises which the **Council council** has a right or duty to inspect or enter; or
- b) Issue orders, instructions or directions.

25.26. CONFIDENTIAL BUSINESS

- a) **Councillors** and employees shall not disclose **confidential or sensitive** information **which for special reasons would not be in the public interest to disclose or which they believe, or ought to be aware is of a confidential nature.**
- b) A **Council council** member in breach of the provisions of **Standing Order standing order** 25(a) above may be removed from a Committee or a Sub-Committee by a resolution of the **Council council**.
- c) An employee in breach of the provisions of **Standing Order standing order** 25(a) above may be subject to disciplinary action by the **Council council**.

26.27. GENERAL POWER OF COMPETENCE (ENGLAND)

- a) Before exercising the general power of competence, a meeting of the full **Council council** shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish **Council council**.
- b) The **Council council**'s period of eligibility begins on the date that the resolution under **Standing Order standing order** 26(a) above was made and a resolution should be passed at each subsequent relevant annual meeting confirming that the **Council council** meets the conditions set out below:

(1) At the time a resolution under paragraph 1 is passed:

- (a) the number of members of the council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the council;
- (b) the clerk to the parish council holds:
 - (i) the Certificate in Local Council Administration;
 - (ii) the Certificate of Higher Education in Local Policy;
 - (iii) the Certificate of Higher Education in Local Council Administration; or
 - (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and
- (c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).

(2) For the purposes of this paragraph "relevant training" means training:

- (a) in the exercise of the general power;

- (b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.
- c) After the expiry of its preceding period of eligibility, the Council council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council council's preceding period of eligibility referred to in Standing-Order standing order 26(b) above.

27-28. MATTERS AFFECTING COUNCIL EMPLOYEES

- a) If a meeting considers any matter personal to a Council council employee, it shall not be considered until the Council council, Committee or Sub-Committee has decided whether or not the press and public shall be excluded pursuant to Standing-Order standing order 1(c) above.
- b) Any persons responsible for all or part of the management of Council council employees shall keep written records of all meetings relating to their performance, capabilities, grievance and disciplinary matters as confidential and secure.
- c) The Council council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- d) Only persons with line management responsibilities shall have access to staff records referred to in standing orders 28(b) and (c) above if so justified.
- e) Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(b) and (d) above shall be provided only to the Direct Services Manager and/or Senior Administration Officer if so justified.
- f) Relatives of Council Councilors or Officers

If a candidate for any appointment under the Council council is to her/his knowledge related to any Council councilor or the holder of any office under the Council council, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council council or to the appropriate Committee any such disclosure.

- g) The Proper Officer shall make known the purpose of this Standing-Order standing order to every candidate.

28-29. FREEDOM OF INFORMATION ACT 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Best Value Policy & Resources Committee. The said Committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3(b)(k) above.

~~29.~~ FINANCIAL MATTERS

~~30.~~ FINANCIAL CONTROLS AND PROCUREMENT

- a) The ~~Council~~ ~~council~~ shall consider and approve Financial Regulations drawn up by the RFO, which shall include detailed arrangements in respect of the following:
- The accounting records and systems of internal control.
 - The assessment and management of financial risks faced by the ~~Council~~ ~~council~~.
 - The ~~Work~~ of the ~~independent~~ Internal Auditor ~~in accordance with proper practices~~ and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
 - The inspection and copying by ~~Council~~ ~~council~~ors and local electors of the ~~Council~~ ~~council~~'s accounts and/or orders of payments.
 - Procurement policies (subject to ~~Standing Order~~ ~~standing order~~ 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £250,000.

~~b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.~~

~~c)~~

~~b)c) Financial regulations shall confirm that ~~a~~Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of (£205,000) shall be procured on the basis of a formal tender as summarised in ~~Standing Order~~ ~~standing order~~ 30(ed) below,~~

~~e)d) Any formal tender process shall comprise the following steps: Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services and the execution of works shall include, as a minimum, the following steps:~~

~~f) A public notice of intention to place a contract to be placed in a local newspaper.~~

~~i) A specification of the goods, materials, services and the execution of works shall be drawn up.~~

~~ii) An invitation to tender shall be drawn up to confirm (i) the council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councilors or staff to encourage or support their tender outside the prescribed process.~~

~~iii) The invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.~~

~~iv) Tenders are to be sent by submitted in writing; in a sealed marked envelope addressed; to the Proper Officer by a stated date and time.~~

~~v) Tenders submitted are t-shall be opened; after the stated closing date and time; by opened by the Proper Officer in the presence of and at least one Member of the ~~Council~~ ~~council~~ after the deadline for submission of tenders has passed.~~

~~(v)~~

*Burntwood Town Council
Standing Orders*

~~w) Tenders are then to be assessed and reported to the appropriate meeting of the Council council or Committee or sub-committee with delegated responsibility.~~

~~d) Neither the Council council, nor any Committee, a sub-committee with delegated responsibility, is bound to accept the lowest value tender, estimate or quote or indeed any.~~

~~e)~~

~~e) Where the value of a contract is likely to exceed £156,442,164,176 (or other threshold specified by the Office of Government Commerce from time to time) the Council council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council council must comply with EU procurement rules.~~

31.

32.

33.

30.34. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer (~~Gerk-to-the-Town-Council Chief Executive Officer~~) shall refer it to the Monitoring Officer at Lichfield District ~~Council council~~.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the ~~Chairman-of-the-Policy-and-Resources-Committee Leader of the Council~~ of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this ~~Standing-Order standing order~~, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d) The subject matter of notifications shall be confidential and, insofar as it possible to do so by law, the ~~Council council~~ (including the Proper Officer and the ~~Chairman-of-the-Policy-and-Resources-Committee the Leader of the Council~~) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
 - i) Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii) Ensure that any background papers containing the information set out in ~~Standing Order standing order~~ 30(a) above are not made public.
 - iii) Ensure that the public and press are excluded from meetings as appropriate.
 - iv) Ensure that the Minutes of meetings preserve confidentiality.
 - v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e) Standing Order 30(d) above should not be taken to prohibit the ~~Council council~~ (whether through the Proper Officer or the ~~Chairman-of-the-Policy-and-Resources-Committee Leader of the Council~~ otherwise) from disclosing information to ~~Council council~~ors and officers of the ~~Council council~~ or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f) The ~~Policy-and-Resources-Committee council~~ shall have the power to:
 - i) Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter.
 - ii) Seek and share information relevant to the complaint.
 - iii) Grant the ~~Council council~~ or involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full ~~Council council~~.
- g) References in ~~Standing-Order standing order~~ 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a ~~Council council~~or.
- g)h) ~~Upon notification by the District council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall~~

~~consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.~~

~~31-35. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS~~

- a) Any or every part of the ~~Standing-Order standing orders~~, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to permanently add to or to vary or revoke one or more the ~~Council council's Standing-Order standing orders~~ not mandatory by law shall not be carried unless two-thirds of the ~~Council council~~ors at a meeting vote in favour of the same.

~~33. RESTRICTION ON COUNCILLOR ACTIVITIES~~

~~Unless authorised by a resolution, no councillor shall:~~

- i) ~~inspect any land and/or premises which the council has a right or duty to inspect, or~~
- b) ~~issue orders, instructions or directions.~~

~~32-34. STANDING ORDERS TO BE GIVEN TO COUNCILLORS~~

- a) ~~All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.~~
- b) ~~A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least (3) councillors to be given to the Proper Officer in accordance with standing order 4 above.~~
- a) ~~c) The Proper Officer shall provide a copy of the Council council's Standing-Order standing orders to a Council council~~or upon delivery of her/his ~~declaration-of-acceptance of office form.~~
- b)d) ~~The Chairman's decision as to the application of Standing Orders at meetings shall be final.~~
- c)e) ~~A Council council~~or's failure to observe ~~Standing-Order standing orders~~ more than 3 ~~three~~ times in one meeting may result in him being excluded from the meeting in accordance with ~~Standing-Order standing orders~~.



BURNTWOOD TOWN COUNCIL

FINANCIAL REGULATIONS

*Burntwood Town Council
Financial Regulations*

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Version 2.0

*Burnwood Town Council
Financial Regulations*

Version 2.0

ENCLOSURE NO. 10B

1.0 GENERAL

- 1.1 These financial regulations govern the conduct of the financial transactions management of the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3 The council's accounting controls 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
- 1.4 These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of system of internal control which shall be in accordance with proper practices.
- 1.6 Deliberate or wilful breach of the Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Town-Clerk/Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs. Chief Executive Office has been appointed as RFO for this council and these Regulations will apply accordingly.
- 1.39 The Town-Clerk/RFO; shall be responsible for the production of financial management information:
- acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.

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1.10 The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11 The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council, and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12 The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial regulations of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts, are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13 The council is not empowered by these Regulations or otherwise to delegate certain specified decision. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors.

shall be a matter for the full council only.

1.14 In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15 In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

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